# PART B DOCKET OG

Please print

# Facility Red Spot Paint & Varnish Co. I.D. # IND 990873499

Item No.	Item Date	Description	Item Filed*
073-1	- 12/-/-	eleligto Dogle Com Mines	Sec /
073-2	01-14-83	Letter: Guinn Doyle to	Sec ?
	***********	Willeam Minor, With enclosure	
073-3	01-14-83	Completeness checklist	Section 4
073-4	2-11-83	Letter from Mines to T.C. Brown	Sect. 2
073-5	2-14-82	2	5002
073-6	3/24/8		2000
073-7	3/28/8		2010
073-8.	4/22/83	Notice of continuance from Penro	d set z
673-9	12/10/82	LETTER: W MINER TO GUINN DOYLE-TRANSFER OF	5° e c . 4
100		PTB. APPLICATION ON MPLETE NESS CHECK	
073-10	0/24/83		expect Sect 2
073-11	10/12/83		Sed 2
073-12.	12/08/83	Subsequent submission NOD from Dogle	e Sect 2
073-13	12/04/83	second completeness checklist	> Set 4
073-14	12/27/83	NOD to Stroms from Miner	Sect Z
073-15	5/15/84	Compliance Order	Sedz
073-16	6/22/84	Informal Conference letter to Berkey from Wahls	- Sed 2
073-17	6/25/84	Permit application withdrawal request	Sort 2
013:19	8/31/44	Letter to Shows from Medinelo	Sect 2
			(3)

RED O SPOT PAINT & VARNISH CO., INC.

ONE TEN MAIN STREET · EVANSVILLE, INDIANA

MAIN STREET · EVANSVILLE, INDI

TELEX 276069

U. S. A.

Red Spot Paint & Varnish Co., Inc.
Research Center
Box 418
Evansville, Indiana 47703

#### **EUROPEAN**

Red Spot European Division
E. Wood Ltd.
International House
World Trade Centre
1 St. Katharine's Way
London, El 9UN

#### **ENGLAND**

Red Spot European Research Centre E. Wood, Ltd., Talbot Works Stanstead Abbotts, Ware-Herts SG12 8DP England

#### JAPAN

Manufacturing Fujikura Kasei Co., Ltd. 6-15, 2-chome, Shibakoen Minato-Ku, Tokyo 105, Japan

Sales & Technical Service Kyokuto Boeki Kaisha, Ltd. 7th Floor, New Otemachi, Bldg. 2-1, 2-chome, Otemachi, Chiyoda-ku Tokyo 100-91, Japan

# AUSTRALIA & NEW ZEALAND

Triton Paints Ltd. 810-818 Princes Highway P. O. Box 178 Springvale, Victoria 3171 Australia

#### TAIWAN

Berlin Co., Ltd. 43 Ta-Yeh South Road Hsiao Kang Area Kaohsiung, Taiwan

#### HONG KONG

Connell Bros. Co. (H.K.) Ltd.

9th Floor, Belgian House
77-79 Gloucester Road
GPO Box 88
Hong Kong

#### SINGAPORE

Connell Bros. Co., Ltd. Unit 0505, 5th Floor GSM Building 141 Middle Road Singapore 0718

### BRAZIL

Kelly Tintas E Solventes Ltda. Av. Interlagos, 1834 CEP 04660 Sao Paulo, Brazil June 25, 1984



U. S. Environmental Protection Agency Region 5

230 S. Dearborn Street Chicago, Illinois 60604

IND 990873499

Attention: Greg Weber

Mr. Weber:

Pursuant to the discussion on June 18, 1984 between you, Richard Mednick of the U.S.E.P.A., and Gene Berkey of Red Spot we wish to withdraw our Part A application and reduce our status to a generator and a transporter.

It is our understanding that by doing this we will not have to file a Part B application; however, we cannot store hazardous materials for longer than 90 calendar days. We further understand that our solvent reclamation still is not considered a treatment system as long as we are reclaiming material that is generated on site.

We have an appointment with Indiana State Board of Health Personnel to discuss requirements for a closure plan during the week of June 24 - June 30, 1984. The exact date has not been confirmed at this writing. The closure plan will be written in accordance with their directions within 15 working days after their visit.

In addition, we will send our accumulated solidified hazardous waste for burial at a permitted disposal site and our still bottoms will be sent to a permitted site for use in a fuels program. We will begin the above program during the week of June 24 - June 30, 1984. The exact date is dependent upon scheduling at the receiving facility.





U. S. vironmental Protection Age y Greg Weber June 25, 1984 Page 2

Assuming timely approval of our closure plan we would anticipate completing closure of the storage area by October 31, 1984 which is the end of our fiscal year.

Concerning the fine, we feel that it is excessive in light of efforts to comply with the completion of the Part B application. Our timely completion of Part B was hindered by the fact that the person responsible for completion of these applications has several other duties associated with keeping production operating; e.g., purchasing raw material and maintaining the equipment. Furthermore, the competitive nature of our business (supplying coatings to the automotive industry) has eroded our profits to the point that the fine you nominated is burdensome.

Obviously no fine would be our preference, in light of the monies required to complete the closure of our storage facility. Perhaps we could negotiate a plan that would call for no fine for completion of the closure plan before a mutually agreed date and an escalating fine for an overrun. The mutually agreed date would be predicated on the date of the State's acceptance of the closure plan.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this letter and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained herein, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Sincerely,

Choles D. Horwo C. D. Storms

President

mk

CC: Richard Mednick, U.S.E.P.A. Guinn Doyle, I.S.B.H.

# 

Espens Derkey Naterial Controls Hanager And Spot Paint and Parmish Company, Inc. 110 Main Street Evansville, Indiana 47703

At: Findings of Violation and Compliance Order Y-6-24-245 And Spot Faint and Varnish Co., Inc.

lear Mr. Berkey:

Pursuant to the understanding reached at the conclusion of our informal conference on June 18, 1984, regarding a negotiated settlement of the above referenced Conpliance Order, the following information must be submitted to this office by July 2, 1984:

- A ferrel request for the withdrawal of your facility's Part A permit application. The
  cation and the rescission of your facility's Part 8 permit application. The
  request should include a statement indicating that bearrious maste will no
  longer be stored at your facility for periods of time exceeding 90 days
  (40 CFR 282.34).
- 2. A statement indicating that a cluster plan for the hazardous waste treatment and storage areas has been submitted to the Indiana State Scard of Health (ISBN) for approval by the State. Include a copy of the closure plan and your request for the State's approval of the closure plan.
- 3. A formal counter-offer to the civil penelty (36000) proposed by 0.3. EPA. together with reasons supporting had Spet's belief in the appropriateness of the counter-offer.
- 4. The certification and eigneture requirements found in Section XIII, form 1, of the Part A permit application (40 CFR 270.11).

· Upon approval of the closure plan by the State of Indiana, you will implement and complete closure in accordance with the approved plan.

Your Part A day be withdrawn and the Part 6 call-in rescinded only after the 1500 notifies this affice that closure has been completed and an independent registered professional engineer has certified that the facility has been closed in accordance with the specifications of the approved closure plan (40 CFR 265.115). Thereafter, the status of your facility will be changed to reflect that it is a transporter, and a generator storing hazardous waste less than 90 days. Please contact he at (312) \$86-0991. If you have any questions.

Sincerely,

Sres Weber Environmental Scientist

cc: C. D. Strees, Red Spot Guine Doyle, 1988

bcc: Richard Mednick, ORC

/SHW/Weber:vc 6/19/84

RCRA ENFORCEMENT ACTION SIGN-OFF PART I. BACKGROUND and Varnish Co Inc FACILITY NAME FACILITY LOCATION RCRA ID NUMBER NATURE OF VIOLATION PART II. RECOMMENDATION NAME & DATE OF STATE CONTACT NOTIFIED ANY OTHER OUTSTANDING ENFORCEMENT ACTIONS AGAINST THIS FACILITY: WATER \_ OTHER PA TII. CONCURRENCES INITIALS DATE AGREE DISAGREE 04(17)84 PREPARER TECHNICAL LEGAL CHIEF. STATE TECHNICAL UNIT CHIEF, TP&C SECTION CHIEF, WASTE MANAGEMENT BRANCH APPROVAL PART IV. DS 5/9/84 DIRECTOR, WASTE MANAGEMENT DIVISION

cc: Section Inspection Log

ORC

# OFFICE OF REGIONAL COUNSEL FINAL RCRA ADMINISTRATIVE ORDER REVIEW AND SIGN-OFF

FACILITY NAME: Klospot Sai	at & Clark	rush	
LOCATION: Consample S	adiana	)	
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STAFF ATTORNEY ( MEDNICK )	RM		
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SENIOR ATTORNEY RCRA	K 3/2		
BRANCH CHIEF. SWERB	mb 5/5		
DEPUTY REGIONAL COUNSEL			
REGIONAL COUNSEL	25/8		
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LOGGED INTO ORC BY CHERYL KLEBENOW ON 4/20			
			1
LOGGED OUT OF ORC BY CHERYL KLEBENOW ON	•		return to
DUE 10 WMB ON .		me	ednick.

MAY 1 5 1984

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Company, Inc.
110 Main Street
Evansville, Indiana 47703

V-W- 84 R-039

RE: Findings of Violation And Compliance Order Red Spot Paint and Varnish Co., Inc. IND 990873499

Dear Mr. Storms:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by Red Spot Paint and Varnish Co., Inc., of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. 6901 et seq.

The Compliance Order states the reasons for such a determination, establishes a compliance schedule and assesses civil penalties for the violations as set forth in the Compliance Order. This Compliance Order is issued pursuant to Section 3008 of RCRA (42 U.S.C. §6928).

Accompanying the Compliance Order is a Notice of Opportunity for Hearing and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", 40 CFR Part 22, Fed. Reg. 24360 (April 9, 1980), as amended by 45 Fed. Reg. 79808 December 2, 1980). The enclosed Compliance Order and Rules of Practice should be carefully read in order to determine the alternatives available in responding to this Order. A written request for a hearing is required to be filed with the Regional Hearing Clerk within 30 days from receipt of this Compliance Order. A copy of your hearing request should be sent to Mr. Richard Mednick, Assistant Regional Counsel, 230 South Dearborn Street, Chicago, Illiois 60604.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of the Compliance Order, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference, please contact Mr. Greg Weber, Waste Management Branch, Technical, Permits, and Compliance Section, 230 South Dearborn Street, Chicago, Illinois 60604 at (312) 886-0991.

Sincerely,

Basil G. Constantelos, Director Waste Management Division

Enclosures

cc: Guinn Doyle, ISBH

bcc: Part B File
Mary Langer, Regional Hearing Clerk
Mary C. Bryant, ORC
Melissa Friedland, WH527
Denise Reape, Secretary, TPCS

5HW/Weber:vc 3/29/83

TYPIST AUTHOR STU # STU #2 STU #3
CHIEF CH

673-15

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:

RED SPOT PAINT AND VARNISH CO., INC. P.O. BOX 418
EVANSVILLE, IN. 47703
U.S. EPA ID NO. IND 990873499

DOCKET NO.

COMPLAINT AND FINDINGS OF VIOLATIC

MAY 1 5 1984

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

COMPLAINT

V- Wang

This Complaint is issued pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Divison, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Red Spot Paint and Varnish Co., Inc., located at 996-1016 E. Columbia Street, Evansville, Indiana.

Based on information available to U.S. EPA, including the Respondent's Part B permit application, it has been determined that the Respondent is in violation of regulations set forth at 40 CFR §270.10 which require an existing hazardous waste management facility to submit on time a complete Part B permit application when required to do so by the Regional Administrator.

#### FINDINGS

This determination of violation is based on the following:

1. Section 3010 of RCRA requires any person who generates or transports hazardous waste, or who owns or operates a facility for the treatment, storage or disposal of hazardous waste to notify U.S. EPA of such activity within 90 days

073-15

of the promulgation of regulations under Section 3010 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.

- 2. U.S. EPA published regulations concerning the generation, transportation, and treatment, storage, or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste handling was required in most instances no later than August 19, 1980.
- 3. Section 3005 of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980 and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.
- 4. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

- 5. The provisions of 40 CFR §270.10(e) allow the Regional Administrator to require submission of a Part B permit application by an existing hazardous waste management facility. The owner or operator shall be allowed at least six months from the date of request to submit this application. Failure to furnish a requested Part B application, or failure to furnish in full the information required by the Part B application, is grounds for termination of interim status under 40 CFR Part 124.
- 6. The provisions of 40 CFR §124.3(d) allow the Regional Administrator to deny a RCRA permit and take enforcement action if an applicant fails or refuses to correct deficiencies in a permit application.
- 7. On and subsequent to November 19, 1980, Respondent has owned and operated a facility located at 996-1016 E. Columbia Street, Evansville, Indiana. Respondent is an Indiana corporation whose registered Agent in Indiana is Charles D. Storms, 110 Main Street, Evansville, Indiana 47703.
- 8. On August 18, 1980, the Respondent submitted a Notification of Hazardous Waste Activity as required in Section 3010 of RCRA.
- 9. On November 18, 1980, the Respondent submitted a Part A permit application as required in 40 CFR §270.10.
- 10. As a result of the findings set forth in items 7, 8, and 9, it has been determined that the facility owned and operated by the Respondent is qualified to operate a hazardous waste management facility under the interim status provisions of 40 CFR §270.70.
- 11. On August 18, 1982, the State of Indiana was granted Phase I Interim

  Authorization to administer and enforce sections of their hazardous waste program (Title 320, Indiana Administrative Code, Article 4) in lieu of the Federal

program (see 40 CFR §271.121 et seq.). As a result, facilities in Indiana qualifying for interim status under 40 CFR §270.70, are regulated under Indiana provisions, instead of the Federal regulations set forth at of 40 CFR Part 265. In matters related to the issuance of final RCRA permits, the Federal requirements of 40 CFR Parts 124, 264, 270, and 271 still apply.

- 12. On May 28, 1982, U.S. EPA required the Respondent to submit a Part B permit application for the facility as provided for in 40 CFR §270.10. The due date for this submission was November 30, 1982. The submission was received on December 2, 1982.
- 13. As a result of substantial deficiencies in their Part B Application, U.S. EPA requested further information from the Respondent on February 11, 1983. The due date for this submission was March 13, 1983. The submission was received on October 4, 1983, 207 days late.
- 14. In response to inadequacies contained in Respondent's Part B permit application, U.S. EPA requested additional information in a completeness review deficiency letter sent to the facility on December 27, 1983. The due date for submission of this information was January 31, 1984. This information has not yet been received. A copy of the December 27 request is appended to this Order.
- 15. Notwithstanding the violations of the requirements of Section 40 CFR §270.10(e) by Respondent, the continued operation of the facility is determined to be in the public interest:
  - (a) for a limited period of time until a final decision on its permit application has been made by U.S. EPA;
  - (b) if the continued operation is in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, codified at 40 CFR Part 265 and 320 Indiana Administrative Code Article 4; and
  - (c) if in complete compliance with all of the conditions set forth in this Complaint.

# ORDER AND CONDITIONS FOR CONTINUED OPERATION OR CLOSURE

1. Respondent having been initially determined to be in violation of 42 U.S.C. 6925, the following compliance order pursuant to 42 U.S.C. 6928(a)(1) is entered:

Respondent shall, within 30 days of the receipt of this Order either submit to U.S. EPA all information requested in U.S. EPA's completeness review deficiency letter to the facility, dated December 27, 1983 or submit and implement a closure plan pursuant to 320 Indiana Administrative Code, Article 4.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent endangement to human health or the environment.

## ASSESSMENT OF PENALTY

A civil penalty of 6,000.00 (SIX THOUSAND DOLLARS) is assessed for the violations set forth in the Findings above, pursuant to Sections 3008(c) and 3008(g) (42 U.S.C. 6928).

Failure to comply with any requirement of this Compliance Order shall subject the above named Respondent to liability for a civil penalty of up to \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS) for each day of continued noncompliance. U.S. EPA is authorized to assess such penalties pursuant to Section 3008(a)(3). The proposed penalty has been set at the indicated level based upon an analysis of the seriousness of the violations cited herein, the potential harm to human health and the environment, and the conduct of the Respondent.

Payment should be submitted within 60 days of entry of this Order in the form of a certified or cashier's check made payable to the Treasury of the United States of America and remitted to Mrs. Mary Langer, Regional Hearing Clerk, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

#### NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent is hereby notified that the above Order shall become final unless said Respondent has requested in writing a hearing on the Order no later than 30 days from the date this Order is served. You have the right to request a hearing to contest any factual allegation set forth in the Complaint or the appropriateness of any proposed compliance schedule or penalty. In the event that you wish to request a hearing, and to avoid having the Compliance Order become final without further proceedings, you must file a written answer to this Complaint with the Regional Hearing Clerk, U.S. EPA, Region V. 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of your receipt of this notice. A copy of this answer and any subsequent document filed in this action should also be sent to Mr. Richard Mednick, Assistant Regional Counsel, at the same address. Your answer should clearly and directly admit. deny, or explain each of the factual allegations of which you have knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which you intend to place at issue in the hearing. The denial of any material fact of the raising of any affirmative defense shall be construed as a request for a hearing.

A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Penmits (40 CFR Part 22) accompanies this Complaint. These regulations are applicable to this administrative action.

### SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally with U.S. EPA concerning (1) whether the alleged violations in fact occurred as set forth above, (2) the appropriateness of the compliance schedule, (3) the appropriateness of any proposed penalty in relation to the size of your business, the gravity of the violations, and the effect of the proposed penalty on your ability to continue in business. You may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect the thirty day time limit for responding to this Compliant or requesting a formal hearing on the violations alleged herein. U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. Request for an informal conference should be made in writing to Mr. Greg Weber, Waste Management Division, at the address cited above, or by calling (312) 886-0991.

DATED	this		day	of	May	1984.
-------	------	--	-----	----	-----	-------

Basil G. Constantelos, Director

Waste Management Division

U.S. Environmental Protection Agency

Region V

# CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Complaint to be served upon the persons designated below on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified return receipt requested, postage prepaid, at Chicago, Illinois in envelopes addressed to:

C. D. Storms, President Red Spot Paint and Varnish Co., Inc. Post Office Box 418 Evansville, Indiana 47703 Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Co, Inc.
110 Main Street
Evansville, Indiana 47703

I have further caused the original of the Complaint and this certification of service to be served in the office of the Regional Hearing Clerk located in the Office of Regional Counsel, U.S. EPA, Region V at 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

	These	are	said person's	last known	address to	the subscriber.
Dated	this		15+1	day of	may	, 1984.

Denise Reape, Secretary Technical, Permits, and Compliance Section

073-15

# STREET STORY OF SERVICE

Eugene Berkey \
Naturial Costrols Hanager
Red Spot Point and Vermish Company, Inc.
110 Natu Street
Evensyille, Indiana #7793

B2: Pindings of Violation and Compliance Order V-X-848-GHD New Spot Palet and Varaish Co., Inc., inc 69697 3499

Sear Mr. Berkeys

furtuant to the understanding reached at the conclusion of our informat conference on June 10, 1986, regarding a negationed settlement of the above referenced Corpliance Order, the following information must be substituted to this office by July 2, 1984;

- A formal request for the withdrawal of your facility's Park A persit application and the rescission of your facility's Park B permit application. The request should forlide a statement indicating that hazardous maste will no langur be stored at your facility for periods of time exceeding 50 days (40 CFS 262.34).
- 3. A statement indicating that a clusure plan for the becardes weste treatment and storage areas has been substitute to the indiana State beard of Hosto (1988) for approval by the State. Include a copy of the closure plan and your request for the State's approval of the closure plan.
- A formal counter-affer to the civil penalty (58000) proposed by 0.5. CPA. Logother with reasons supporting Red Spot's belief in the appropriateness of the counter-offer.
- 4. The cortification and aignature requirements found to Section XIII, Form 1, or the Part A parmit application (40 CFE 270.11).

upon approval of the closure plan by the State of Indiana, you will implement and complete closure in accordance with the approved plan.

Your Part A may be withdrawn and the Part S call-in rescinced only after the ISSK notifies this office that closure has been completed and an independent registered professional engineer has certified that the facility has been closed in accordance with the specifications of the approved closure plan (40 CFR 265.115). Thereafter, the status of your facility will be changed to reflect that it is a transporter, and a generator storing becardous waste less than 40 days. Please contact me at (312) 886-8991, if you have any questions.

Sincerely.

Greg Neber Environmental Scientist

cc: C. O. Strees, Red Spet Guion Doyle, 1888

bcc: Richard Mednick, ORC

5/19/84 5/19/84

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5HH-12

MAY 1 5 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Company, Inc.
110 Main Street
Evensville, Indiana 47703

V-W- 81 R-039

RE: Findings of Violation
And Compliance Order
Red Spot Paint and Varnish Co., Inc.
IND 800073499

Dear Hr. Storms:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by Red Spot Paint and Varnish Co., Inc., of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. 6901 et seq.

The Compliance Order states the reasons for such a determination, establishes a compliance schedule and assesses civil penalties for the violations as set forth in the Compliance Order. This Compliance Order is issued pursuant to Section 3008 of RCRA (42 U.S.C. 66928).

Accompanying the Compliance Order is a Notice of Opportunity for Hearing and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", 40 CFR Part 22, Fed. Reg. 24360 (April 9, 1980), as amended by 45 Fed. Reg. 79808 December 2, 1980). The enclosed Compliance Order and Rules of Practice should be carefully read in order to determine the alternatives available in responding to this Order. A written request for a hearing is required to be filed with the Regional Hearing Clerk within 30 days from receipt of this Compliance Order. A copy of your hearing request should be sent to Hr. Richard Mednick, Assistant Regional Counsel, 230 South Dearborn Street, Chicago, Illiois 68604.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of the Compliance Order, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference, please contact Ar. Greg Neber, Naste Management Branch, Technical, Permits, and Compliance Section, 230 South Dearborn Street, Chicago, Illinois 60604 at (312) 886-8991.

Sincerely.

Aastl 6. Constanteles, Director Waste Management Division

Enclusives

ca: Swimm Doyle, ISBN

bcc: Part B File Mary Langer, Regional Hearing Clerk Mary C. Bryant, ORC

Mary C. Bryant, ORC Melissa Friedland, WH527 Denise Reape, Secretary, TPCS

5HW/Weber:vc 3/29/83

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:

RED SPOT PAINT AND VARNISH CO., INC. P.O. BOX 418 EVANSVILLE, IN. 47703 U.S. EPA ID NO. IND 990873499

DOCKET NO.

COMPLAINT AND FINDINGS OF VIOLATI

MAY 1 5 1984

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

COMPLAINT

This Complaint is issued pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Divison, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Red Spot Paint and Varnish Co., Inc., located at 996-1016 E. Columbia Street, Evansville, Indiana.

Based on information available to U.S. EPA, including the Respondent's Part B permit application, it has been determined that the Respondent is in violation of regulations set forth at 40 CFR §270.10 which require an existing hazardous waste management facility to submit on time a complete Part B permit application when required to do so by the Regional Administrator.

#### FINDINGS

This determination of violation is based on the following:

1. Section 3010 of RCRA requires any person who generates or transports hazardous waste, or who owns or operates a facility for the treatment, storage or disposal of hazardous waste to notify U.S. EPA of such activity within 90 days

of the promulgation of regulations under Section 3010 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.

- 2. U.S. EPA published regulations concerning the generation, transportation, and treatment, storage, or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste handling was required in most instances no later than August 19, 1980.
- 3. Section 3005 of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980 and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.
- 4. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

- 5. The provisions of 40 CFR §270.10(e) allow the Regional Administrator to require submission of a Part B permit application by an existing hazardous waste management facility. The owner or operator shall be allowed at least six months from the date of request to submit this application. Failure to furnish a requested Part B application, or failure to furnish in full the information required by the Part B application, is grounds for termination of interim status under 40 CFR Part 124.
- 6. The provisions of 40 CFR §124.3(d) allow the Regional Administrator to deny a RCRA permit and take enforcement action if an applicant fails or refuses to correct deficiencies in a permit application.
- 7. On and subsequent to November 19, 1980, Respondent has owned and operated a facility located at 996-1016 E. Columbia Street, Evansville, Indiana. Respondent is an Indiana corporation whose registered Agent in Indiana is Charles D. Storms, 110 Main Street, Evansville, Indiana 47703.
- 8. On August 18, 1980, the Respondent submitted a Notification of Hazardous Waste Activity as required in Section 3010 of RCRA.
- 9. On November 18, 1980, the Respondent submitted a Part A permit application as required in 40 CFR §270.10.
- 10. As a result of the findings set forth in items 7, 8, and 9, it has been determined that the facility owned and operated by the Respondent is qualified to operate a hazardous waste management facility under the interim status provisions of 40 CFR §270.70.
- 11. On August 18, 1982, the State of Indiana was granted Phase I Interim

  Authorization to administer and enforce sections of their hazardous waste program (Title 320, Indiana Administrative Code, Article 4) in lieu of the Federal

program (see 40 CFR §271.121 et seq.). As a result, facilities in Indiana qualifying for interim status under 40 CFR §270.70, are regulated under Indiana provisions, instead of the Federal regulations set forth at of 40 CFR Part 265. In matters related to the issuance of final RCRA permits, the Federal requirements of 40 CFR Parts 124, 264, 270, and 271 still apply.

- 12. On May 28, 1982, U.S. EPA required the Respondent to submit a Part B permit application for the facility as provided for in 40 CFR §270.10. The due date for this submission was November 30, 1982. The submission was received on December 2, 1982.
- 13. As a result of substantial deficiencies in their Part B Application,
  U.S. EPA requested further information from the Respondent on February 11, 1983.
  The due date for this submission was March 13, 1983. The submission was received on October 4, 1983, 207 days late.
- 14. In response to inadequacies contained in Respondent's Part B permit application, U.S. EPA requested additional information in a completeness review deficiency letter sent to the facility on December 27, 1983. The due date for submission of this information was January 31, 1984. This information has not yet been received. A copy of the December 27 request is appended to this Order.
- 15. Notwithstanding the violations of the requirements of Section 40 CFR \$270.10(e) by Respondent, the continued operation of the facility is determined to be in the public interest:
  - (a) for a limited period of time until a final decision on its permit application has been made by U.S. EPA;
  - (b) if the continued operation is in complete compliance with the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, codified at 40 CFR Part 265 and 320 Indiana Administrative Code Article 4; and
  - (c) if in complete compliance with all of the conditions set forth in this Complaint.

# ORDER AND CONDITIONS FOR CONTINUED OPERATION OR CLOSURE

1. Respondent having been initially determined to be in violation of 42 U.S.C. 6925, the following compliance order pursuant to 42 U.S.C. 6928(a)(1) is entered:

Respondent shall, within 30 days of the receipt of this Order either submit to U.S. EPA all information requested in U.S. EPA's completeness review deficiency letter to the facility, dated December 27, 1983 or submit and implement a closure plan pursuant to 320 Indiana Administrative Code, Article 4.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent endangerment to human health or the environment.

# ASSESSMENT OF PENALTY

A civil penalty of 6,000.00 (SIX THOUSAND DOLLARS) is assessed for the violations set forth in the Findings above, pursuant to Sections 3008(c) and 3008(g) (42 U.S.C. 6928).

Failure to comply with any requirement of this Compliance Order shall subject the above named Respondent to liability for a civil penalty of up to \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS) for each day of continued noncompliance. U.S. EPA is authorized to assess such penalties pursuant to Section 3008(a)(3). The proposed penalty has been set at the indicated level based upon an analysis of the seriousness of the violations cited herein, the potential harm to human health and the environment, and the conduct of the Respondent.

Payment should be submitted within 60 days of entry of this Order in the form of a certified or cashier's check made payable to the Treasury of the United States of America and remitted to Mrs. Mary Langer, Regional Hearing Clerk, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

### NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent is hereby notified that the above Order shall become final unless said Respondent has requested in writing a hearing on the Order no later than 30 days from the date this Order is served. You have the right to request a hearing to contest any factual allegation set forth in the Complaint or the appropriateness of any proposed compliance schedule or penalty. In the event that you wish to request a hearing, and to avoid having the Compliance Order become final without further proceedings, you must file a written answer to this Complaint with the Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of your receipt of this notice. A copy of this answer and any subsequent document filed in this action should also be sent to Mr. Richard Mednick, Assistant Regional Counsel, at the same address. Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which you have knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which you intend to place at issue in the hearing. The denial of any material fact of the raising of any affirmative defense shall be construed as a request for a hearing.

A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Penmits (40 CFR Part 22) accompanies this Complaint. These regulations are applicable to this administrative action.

## SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally with U.S. EPA concerning (1) whether the alleged violations in fact occurred as set forth above, (2) the appropriateness of the compliance schedule, (3) the appropriateness of any proposed penalty in relation to the size of your business, the gravity of the violations, and the effect of the proposed penalty on your ability to continue in business. You may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect the thirty day time limit for responding to this Compliant or requesting a formal hearing on the violations alleged herein. U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. Request for an informal conference should be made in writing to Mr. Greg Weber, Waste Management Division, at the address cited above, or by calling (312) 886-0991.

DATED	this	102	day of	Ma	7	1984.
				,	•	

Basil G. Constantelos, Director

Waste Management Division

U.S. Environmental Protection Agency

Region V

# CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Complaint to be served upon the persons designated below on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified return receipt requested, postage prepaid, at Chicago, Illinois in envelopes addressed to:

C. D. Storms, President Red Spot Paint and Varnish Co., Inc. Post Office Box 418 Evansville, Indiana 47703 Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Co, Inc.
110 Main Street
Evansville, Indiana 47703

I have further caused the original of the Complaint and this certification of service to be served in the office of the Regional Hearing Clerk located in the Office of Regional Counsel, U.S. EPA, Region V at 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

	These	are said person's	last known	address to the	subscriber.
Dated	this	15 <sup>th</sup>	day of	may	, 1984.

Denise Reape, Secretary Technical, Permits, and Compliance Section 12/21/43



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW

Charles D. Stroms, President Red Spot Paint and Varnish Co., Inc. P.O. Box 418 Evansville, Indiana 47703

Re: Incomplete Part B Application Red Spot Paint and Varnish Co., Inc.

IND 990873499

Dear Mr. Stroms:

This is to acknowledge that the completeness review has been completed of your Part B permit application subsequent submission from October 4, 1983. Based on the review results, we concur with the Indiana State Board of Health that the application is still not complete. Enclosed is a copy of the missing information. This information must be submitted before the application may be considered to be complete and is due by January 31, 1984. Contact Mr. Greg Weber of my staff, at (312) 886-0991, if you have any questions regarding this matter.

Sincerely,

William H. Miner, Chief Technical, Permits, and Compliance Section

Enclosure

cc: Guinn Doyle, ISBH

## Part B Missing Items For Submission of October 4, 1983 Red Spot Paint and Varnish IND 990873499

- 1. The Part A indicated the facility has a landfill. Submit the specific Part B information requirements for landfills listed in 40 CFR Part 270.21.
- 2. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- 3. Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 4. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b) (1)(i)(B) and 264.175(b)(2)).
- 5. Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- 6. Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 7. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
- 8. Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 9. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 10. A copy of the inspection log (40 CFR 264.15(d)).
- 11. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 12. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- 13. Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 14. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 15. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv).

- 16. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 17. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- 18. For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 19. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 20. A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).
- 21. A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 22. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 23. Training director's qualifications (40 CFR 264.16(a)(2)).
- 24. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 25. Training for emergency response (40 CFR 264.16(a)(3)).
- 26. Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 27. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 28. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b)).
- 29. A dated copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).





AN EQUAL OPPORTUNITY EMPLOYER



### **INDIANAPOLIS**

Address Reply to: Indiana State Board of Health 1330 West Michigan Street P. O. Box 1964 Indianapolis, IN 46206-1964

December 8, 1983

Mr. William H. Miner U.S. Environmental Protection Agency 5HW-13 230 South Dearborn Street Chicago, IL 60604

Dear Mr. Miner:

Re: Part B Application Subsequent Submission Red Spot Paint and Varnish Company IND 990873499

We are herewith transmitting our review of the subsequent submission material for the Part B application. Based on our evaluation of the subsequent submission material, the application is still not complete. Enclosed is a copy of the checklist, and I have noted those portions which we believe are not complete at this time. If you have any questions, please feel free to contact the staff of the Division of Land Pollution Control.

Very truly yours,

Guinn Doyle, Chief

Hazardous Waste Management Branch Division of Land Pollution Control

GPD/tr Enclosure

cc: Red Spot Paint and Varnish Company Application File



COPY 2

DEC 12 1983

WASTE MANAGEMENT

Part B Checklist Missing Item(s)

- Description of test methods used, failed to include flashpoint test method (40 CFR 264.13(b)(2)).
- Description of sampling methods used (40 CFR 264.13(b)(3), 261, Appendix 1).
- 3 Description of frequency of analysis (40 CFR 264.13(b)(4)).
- Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 5. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b)(1)(i)(B) and 264.175(b)(2)).
- 6. Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 8. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
- 9. References to design standards or other available information used in tank design construction, and information about tank dimensions, capacities, and shelf thicknesses and other parameters needed to assess conformance with standards (40 CFR 122.25(b)(2), 264.191).
- 10. Description of design specifications including identification of construction and lining materials for assessment of corrosion and erosion potential (40 CFR 122.25(b)(2)(ii), 264.192(a)).
- 11. The diagrams of piping, instrumentation, and process flow, and a description of feed systems, safety cut-off, bypass systems, and pressure controls (e.g., vents) (40 CFR 122.25(b)(2)(iv and (v), 264.192(b)).
- 12. Twenty-four hour surveillance system (40 CFR 264.14(b)(1)).
- 13. Identification of frequency of inspection (40 CFR 264.15(b)(4)).

- Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 16. A copy of the inspection log (40 CFR 264.15(d)). "
- 17) Request for waiver of the aisle space requirement (40 CFR 264.35).
- Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 20. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 21. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv)).
- Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 25. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 26. A general description of the facility (40 CFR 264.52(b)).
- A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).

- 28. A description of coordination agreements with police and fir departments, hospitals, contractors, and State and local emergency response teams (40 CFR 264.52(c), 264.37).
- A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 30. Job titles, duties, and name of each employee receiving training (40 CFR 264.16(d)(1) and (d)(2).
- 31) Content, frequency, and technique used in both introductory and continuing training for each employee (.0 CFR 264.16(c) and (d)(3)).
- (32) Training director's qualifications (40 CFR 264.16(a)(2)).
- 33. Relevance of training to job position (40 CFR 264.16(a)(2)).
- (34) Training for emergency response (40 CFR 264.16(a)(3)).
- Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 36. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 37. For storage containers, a detailed description of how at closure all hazardous wastes and hazardous waste residues will be removed from the containment system, and how remaining contaminated containers, liners, and bases will be decontaminated or removed (40 CFR 264.178).
- 38. An estimate of the schedule of final closure, including the expected year of closure and milestone chart depicting the total time required to close the facility and the time required for intervening closure activities (40 CFR 264.112(a)(4)).
- In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b)).
- 40. A dated copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).
- 41. Information related to the facility's compliance with other environment federal laws.

### CERTIFIED MAIL RETURN RECEIPT DEQUESTED

Outno P. Doyle, Chief Mazardous Waste Management Branch Indiana State Board of Meelth 1330 West Michigan Street Indianapolis, Indiana 46206

> RE: Part 8 Application Subsequent Submission Bud Spot Paint and Varmish Company 185 9909/3489

Bear Mr. Doyler

We are Berewith transferring a copy of the Part B application subsequent submission for the above referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response within 30 days.

Contact Mr. Gregor Weber of my staff, at (312) 386\*3719, if you need additional information.

Sincerely.

William P. Miner, Chinf Technical, Permits, and Compliance Section

Enclosures (Part B, Checklist)

bcc: Part B log
K. Burch, GCMB
L. Marrable, Versar

5HW:G. WEBER:ad 10/11/83 Dts

Disk #Indiana

INITIALS IN ITALS IN

### CERTIFIED RAIL RETURN RECEIPT REGARSTED

Autor P. Dayle, Chief Mazardous Muste Management Branch Indiana State Board of Medith 1330 West Michigan Street Indianapolis, Indiana 46206

> RE: Part 3 Application Subsequent Substation Red Spot Paint and Parnish Company 180 990873494

Gear My. Doyle:

Sinceraly.

Service to the above references facility. Please evaluate the application for completeness using the enclosed checklist, one return the fillingcut checklist with a draft letter of response within 30 days.

Contact for. Gregor Weber of my Staff, at (312) 856-2719, if you need additional information.

William M. Miner, Chief Technical, Parmits, and Compliance Section

Englosures (Part N. Chacklist)

bcc: Part 8 log K. Burch, GCMU L. Marrable, Yersar

5HW:G. WEBER:ad 10/11/83 Disk #Indiana

(8/10/4<sup>2</sup>)

# EXECUTIVE CORRESPONDENCE



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW-13

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Guinn P. Doyle, Chief Hazardous Waste Management Branch Indiana State Board of Health 1330 West Michigan Street Indianapolis, Indiana 46206

> RE: Part B Application Subsequent Submission Red Spot Paint and Varnish Company IND 990873499

Dear Mr. Doyle:

We are herewith transferring a copy of the Part B application subsequent submission for the above referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response within 30 days.

Contact Mr. Gregor Weber of my staff, at (312) 886-3719, if you need additional information.

Sincerely,

William H. Miner, Chief Technical, Permits, and Compliance Section

Enclosures (Part B, Checklist)

2 4 AUG 1983

T.C. Brown Red Spot Paint and Varnish Co. 966-1016 East Columbia Evansville, Indiana 47711

> Re: Part B Permit Application Red Spot Paint and Varmish Co. IND 990873499

Dear Mr. Brown;

Your facility is delinquent in responding to the RCRA Part B permit application notice of deficiency letter which was sent to you on February 11, 1983. Enclosed is another copy of the attachment which delineates the information requirements which have not been addressed in your application. This information must be submitted before the application can be considered to be complete. The submission is due September 30, 1983. Failure to submit these items by this deadline may result in the initiation of proceedings to terminate your "interim status" in accordance with the procedures specified in 40 GFR Part 124, Subpart E.

Please contact Nr. Greg Weber of my staff, at (312) 886-3719, if you have questions regarding this matter.

Sincerely,

William H. Hiner, Chief Technical, Permits, and Compliance Section

Enclosure

cc: Guinn Doyle, ISBH

bcc: Part B Log Ken Burch

5HW; Weber/mg 8/23/83

INITERILS	TYPIST (%) 8/25/87	AUTHOR GW.	STU #1	STU #2 CHIEF	STU #3	TPS	WMB	WMD
DATE	8/23/83	4/23/47	8/23/83			100HV	CHIEF	DIRECTOR

# Part B Checklist Missing Item(s)

RedSpot

- Description of test methods used, failed to include flashpoint test method (40 CFR 264.13(b)(2)).
- Description of sampling methods used (40 CFR 264.13(b)(3), 261, Appendix 1).
- 3. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- 4. Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 5. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b)(1)(i)(B) and 264.175(b)(2)).
- Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- 7. Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 8. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
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- 10. Description of design specifications including identification of construction and lining materials for assessment of corrosion and erosion potential (40 CFR 122.25(b)(2)(ii), 264.192(a)).
- 11. The diagrams of piping, instrumentation, and process flow, and a description of feed systems, safety cut-off, bypass systems, and pressure controls (e.g., vents) (40 CFR 122.25(b)(2)(iv) and (v), 264.192(b)).
- 12. Twenty-four hour surveillance system (40 CFR 264.14(b)(1)).
- 13. Identification of frequency of inspection (40 CFR 264.15(b)(4)).

- 14. Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 15. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 16. A copy of the inspection log (40 CFR 264.15(d)). \*
- 17. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 18. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- 19. Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 20. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 21. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv)).
- 22. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 23. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
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- 25. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 26. A general description of the facility (40 CFR 264.52(b)).
- 27. A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).

- 28. A description of coordination agreements with police and fir departments, hospitals, contractors, and State and local emergency response teams (40 CFR 264.52(c), 264.37).
- 29. A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 30. Job titles, duties, and name of each employee receiving training (40 CFR 264.16(d)(1) and (d)(2).
- 31. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 32. Training director's qualifications (40 CFR 264.16(a)(2)).
- 33. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 34. Training for emergency response (40 CFR 264.16(a)(3)).
- 35. Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 36. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 37. For storage containers, a detailed description of how at closure all hazardous wastes and hazardous waste residues will be removed from the containment system, and how remaining contaminated containers, liners, and bases will be decontaminated or removed (40 CFR 264.178).
- 38. An estimate of the schedule of final closure, including the expected year of closure and milestone chart depicting the total time required to close the facility and the time required for intervening closure activities (40 CFR 264.112(a)(4)).
- 39. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b)).
- 40. A <u>dated</u> copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).
- 41. Information related to the facility's compliance with other environment federal laws.

40 CFR 122.25 (6)(5)

### RED SPOT PAINT & VARNISH CO., INC.



BOX 418

ONE TEN MAIN STREET . EVANSVILLE, INDIANA 47703

March 28, 1983

U. S. A.
Red Spot Paint & Varnish Co., Inc.
Research Center
Box 418
Evansville, Indiana 47703

EUROPEAN Red Spot European Division E. Wood Ltd. 18 London Street London, E. C. 3

ENGLAND

Red Spot European Research Centre
E. Wood, Ltd., Taibot Works
Stanstead Abbotts, Ware-Herts
England

JAPAN
Sales & Technical Service
Kyokuto Boeki Kaisha, Ltd.
7th Floor, New Otemachi Bldg.
2-1, 2-chome, Otemachi, Chiyoda-ku
Tokyo 100-91, Japan

Manufacturing Fujikura Kasei Co., Ltd. 15-1, 3-chome, Hasune Itabashi-ku, Tokyo, Japa

AUSTRALIA
Brolite (N. S. W.) Pty., Ltd.
55 Kent Road
P. O. Box 338
Mascot 2020, Australia

NEW ZEALAND Brolite (NZ) Pty., Ltd. Box 328 Lower Hutt Road Lower Hutt, New Zealand

HONG KONG
Connell Bros. Co. (H. K.), Ltd.
307 Holland House
9 Ice House St.
P. O. Box 88, Hong Kong

VENEZUELA
Connell Bros. Co., Ltd.
P. O. Box 6665
Caracas, Venezuela

United States Environmental Protection Agency Region V 230 S. Dearborn Street Chicago, IL 60604

Attention: Greg Weber

Dear Mr. Weber;

This is to request an extension on filing supplemental information on Red Spot Paint & Varnish Company's Part B Permit Application.

We will be in Chicago on April 14, 1983 and plan to hand deliver the supplemental information at that time.

If there are any questions, do not hesitate to contact me.

Sincerely,

Eugene Berkey Materials Control Manager

EB/rgg



WASTE MANAGEMENT

RECORD OF COMMUNICATION	OTHER (SPECIFY)							
D: 6	(Record of item checked above)							
They Walls, U.S. EPA	Gary Roymus	DATE 3/28/84						
	Eder Associates	TIME LOAM						
SUBJECT Red Spot Part B	Submission							
85	ce orderatine 6	ork 11,560 response						
INFORMATION COPIES								
TO:								

杨基础

Charles C. Stroms, President
Ped Spot Paint and Varoish Co., Inc.
P.O. Rox 418
Evensyille, Indiana 47703

Ne: Incomplete Part & Application
Red Spot Paint and Yarnish Co., inc.
190 00077400

Sear Mr. Stroms:

This is to acknowledge that the completeness review has been completed of your Part & permit application submanuent submission from October 4, 1983.

Desert on the review results, we concur with the indiana State Soard of Mealth that the application is still not complete. Enclosed is a copy of the missing information. This information must be submitted before the application may be considered to be complete and is due by January 31, 1984.

Contact Mr. Srep Meber of my staff, at (312) 086-0991, if you have any questions reparding this matter.

Stocaroly.

William M. Miner, Chief Technical, Parmits, and Commitance Section

fectore

se: Suite Suite, Ister

bcc: Part 8 Socket

548; Weber/mg 12/20/83



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW

DEC 27 1983

Charles D. Stroms, President Red Spot Paint and Varnish Co., Inc. P.O. Box 418 Evansville, Indiana 47703

Re: Incomplete Part B Application Red Spot Paint and Varnish Co., Inc.

IND 990873499

Dear Mr. Stroms:

This is to acknowledge that the completeness review has been completed of your Part B permit application subsequent submission from October 4, 1983. Based on the review results, we concur with the Indiana State Board of Health that the application is still not complete. Enclosed is a copy of the missing information. This information must be submitted before the application may be considered to be complete and is due by January 31, 1984. Contact Mr. Greg Weber of my staff, at (312) 886-0991, if you have any questions regarding this matter.

Sincerely,

William H. Miner, Chief

Technical, Permits, and Compliance Section

Enclosure

cc: Guinn Doyle, ISBH

073-14

### Part B Missing Items For Submission of October 4, 1983 Red Spot Paint and Varnish IND 990873499

- 1. The Part A indicated the facility has a landfill. Submit the specific Part B information requirements for landfills listed in 40 CFR Part 270.21.
- 2. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- 3. Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 4. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b) (1)(i)(B) and 264.175(b)(2)).
- 5. Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- 6. Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 7. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
- 8. Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 9. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 10. A copy of the inspection log (40 CFR 264.15(d)).
- 11. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 12. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- 13. Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 14. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 15. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv).

- 16. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 17. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- 18. For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 19. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 20. A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).
- 21. A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 22. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 23. Training director's qualifications (40 CFR 264.16(a)(2)).
- 24. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 25. Training for emergency response (40 CFR 264.16(a)(3)).
- 26. Provision for implementing the training program (40 CFR 264.16(b)) and (d)(4).
- 27. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 28. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time  $(40\ \text{CFR}\ 264.113(a)\ \text{and}\ (b))$ .
- 29. A dated copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).

# CERTIFICO MAIL REQUESTED REQUESTED

T. C. Brown
Red Spot Paint and Varnish Co.
966-1016 East Columbia
Evansville, Indiana 47711

Re: Part 8 permit application Red Spot Paint and Varnish Co. IND 998873809

0/83

Bear Br. Brown:

Thank you for the Part B pereit application submission for the hazardous waste activities at the referenced facility. The application has been initially reviewed for completeness pursuant to the regulatory requirements . given in 40 CFR Section 122.25 and Section 124.3, and in 40 CFR Part 264.

Our review indicates that there are informational requirements which have not been addressed in your application. Enclosed is an attachment which delineates the specific emissions. This information must be submitted before the application can be considered to be complete. Upon receipt of this information we will begin a review of your application. The submission is due 30 days from the date of this letter.

Please contact Mr. Greg Weber, at (312) 886-3719, if you have questions concerning this matter.

Sincerely yours,

William H. Miner, Chief Technical, Permits, and Compliance Section

Enclosuro

cc: Guinn Doyle Indiana State Board of Health

bec: Part B Log

5HW:G. Web	or/mn 2/1	8/83				Bus 57,50		
INITIALS DATE	TYPIST MP H81835	AUTHOR IN 3	PEU CHIEF	STU #1 CHIEF	STU #2 CHIEF	TPS CHIEF LOTA 2/9 83	W/MB CHIEF	AHMD DIRECTOR
			0 13-	1			12	to the same of the same

	IND 990873499 Part B
PS Form	SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
3811, Apr. 1977 RETU	1. The following service is requested (check one).  Show to whom and date delivered.  Show to whom, date, and address of delivery.  RESTRICTED DELIVERY Show to whom and date delivered.  RESTRICTED DELIVERY Show to whom, date, and address of delivery.  (CONSULT POSTMASTER FOR FEES)
IRN RECEIPT, REGIST	2. ARTICLE ADDRESSED TO:  T.C. Brown 966-1016 East Columbia Evansville, Indiana 47711 3. ARTICLE DESCRIPTION: REGISTERED NO.   CERTIFIED NO.   INSURED NO.   P371346230
ERE	(Always obtain signature of addressee or agent)
NICE	I have received the article described above. SIGNATURE □ Addressee □ Authorized agent
SUBE	4 the Ellerbrook
D. AND	DATE OF DELIVERY POSTMAN
CERTIF	5. ADDRESS(Complete only if requested)
ED MAIL	6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS
	073-5 \$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\\$\

UNITED STATES STAL SERVICE OFFICIAL \_\_SINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

• Complete items 1, 2, and 3 on the reverse.

• Moisten gummed ends and attach to front of article if space permits.

• Endorse article "Return Receipt Requested" adjacent to number.



RETURN TO



Greg Weber 5HW-13

U.S. Environmental Protection Agency Region V 230 South Dearborn Chicago, Illinois 60604

(City, State, and ZIP Code)

# STATE - INDIANA



AN EQUAL OPPORTUNITY EMPLOYER



### **INDIANAPOLIS**

Address Reply to: Indiana State Board of Health 1330 West Michigan Street P. O. Box 1964 Indianapolis, IN 46206-1964

January 14, 1983

Mr. William Miner U.S. Environmental Protection Agency 5HW-TUB 111 West Jackson Boulevard Chicago, IL 60604

Dear Mr. Miner:

RECEIVED

continues and appropriate project to the continues of

JAN 1 8 1991

WASTE MANAGEMENT BRANCH PA. REGION V

Re: Completeness Review for Red Spot Paint & Varnish Company IND 990873499

Enclosed is a copy of the completed checklist. The application was found to be incomplete. Enclosed is a list of the missing portions. Should you have any questions concerning this matter, please contact Mr. Steve Reuter at 317/633-8542.

Very truly yours,

Guinn Doyle, Chief

Hazardous Waste Management Branch Division of Land Pollution Control

GPD/tw Enclosure

cc: Red Spot Paint & Varnish Company Application File Mr. Steve Reuter



# Part B Checklist Missing Item(s)

- 1. Description of test methods used, failed to include flashpoint test method (40 CFR 264.13(b)(2)).
- 2. Description of sampling methods used (40 CFR 264.13(b)(3), 261, Appendix 1).
- 3. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- 4. Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 5. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b)(1)(i)(B) and 264.175(b)(2)).
- 6. Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- 7. Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 8. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
- 9. References to design standards or other available information used in tank design construction, and information about tank dimensions, capacities, and shelf thicknesses and other parameters needed to assess conformance with standards (40 CFR 122.25(b)(2), 264.191).
- 10. Description of design specifications including identification of construction and lining materials for assessment of corrosion and erosion potential (40 CFR 122.25(b)(2)(ii), 264.192(a)).
- 11. The diagrams of piping, instrumentation, and process flow, and a description of feed systems, safety cut-off, bypass systems, and pressure controls (e.g., vents) (40 CFR 122.25(b)(2)(iv) and (v), 264.192(b)).
- 12. Twenty-four hour surveillance system (40 CFR 264.14(b)(1)).
- 13. Identification of frequency of inspection (40 CFR 264.15(b)(4)).

- 14. Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 15. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 16. A copy of the inspection log (40 CFR 264.15(d)).
- 17. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 18. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- 19. Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 20. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 21. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv)).
- 22. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 23. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- 24. For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 25. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 26. A general description of the facility (40 CFR 264.52(b)).
- 27. A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).

- 28. A description of coordination agreements with police and fire departments, hospitals, contractors, and State and local emergency response teams (40 CFR 264.52(c), 264.37).
- 29. A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 30. Job titles, duties, and name of each employee receiving training (40 CFR 264.16(d)(1) and (d)(2).
- 31. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 32. Training director's qualifications (40 CFR 264.16(a)(2)).
- 33. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 34. Training for emergency response (40 CFR 264.16(a)(3)).
- 35. Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 36. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 37. For storage containers, a detailed description of how at closure all hazardous wastes and hazardous waste residues will be removed from the containment system, and how remaining contaminated containers, liners, and bases will be decontaminated or removed (40 CFR 264.178).
- 38. An estimate of the schedule of final closure, including the expected year of closure and milestone chart depicting the total time required to close the facility and the time required for intervening closure activities (40 CFR 264.112(a)(4)).
- 39. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b)).
- 40. A <u>dated</u> copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).
- 41. Information related to the facility's compliance with other environment federal laws.

DEC 1 0 1982

Certified Hail Return Receipt Requested

Fr. Guinn P. Soyle, Chief Hazardous Waste Hanagement Branch Indiana State Board of Health 1330 West Michigan Street Indianapolis, Indiana 46208

> RE: Part 8 Application Ped Spot Paint & Varoish Co., Inc. 180 090873496

Bear Hr. Dayle:

I am herowith transferring the Part 8 hazardous waste permit application for the referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response by January 10, 1983.

Please contact Mr. Greg Meber of my staff, at (312) 886-3719, if you need additional information.

Sincerely.

William R. Miser, Chief Technical, Pereit, and Compliance Section

Taclosures

bcc: R. Shandross, SIO K. Burch, 6CMU

L. Marrable, VERSAR

TYPIST AUTHOR PEU STU #1 STU #2 TPS CHIEF CHIEF

DEC 1 0 1982

Cartified Mail Return Receipt Requested

Ar. Guinn P. Doyle, Chief Hazardous Masta Management Aranch Indiana State Board of Health 1530 West Michigan Street Indianapolis, Indiana 46206

RE: Part & Application
Red Spot Paint & Vernish Co., icc.
IND 990973499

lear Ar. Doyle:

I am herewith transferring the Part & hazardous waste permit application for the referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response by January 10, 1983.

Flease contact Dr. Greg Maber of my staff, at (312) 286-3719, if you need additional information.

Sincerely.

Milliam H. Miner, Chief Technical, Permit, and Compliance Section

Cr.C. LOSSIA GE

bee: E. Shandross, SIE

K. Surch, CMI

L. Marrable. MEMSAR

073-10

DEC 1 0 1982

### Certified Mail Return Receipt Requested

Rr. Guinn P. Doyle, Chief Hazardous Haste Henagement Branch Indiana State Board of Health 1330 West Michigan Street Indianapolis, Indiana 46206

RE: Part 8 Application
Red Spot Paint & Varnish Co., Inc.
IND 990573499

Dear Mr. Coyle:

I am herewith transferring the Part B hazardous wasta permit application for the referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response by January 10, 1983.

Please contact Mr. Greg Meber of my staff, at (312) 886-3719, if you need additional information.

Sincerely,

Hilliam H. Hiner, Chief Technical, Permit, and Compliance Section

Enclosures.

hcc: R. Shandross, SIO K. Burch, CCMU

L. Marrable, YERSAR

673 / a

	DEHONE CALL DISCUSSIL	J FIELD TRIP	CONFERENCE
RECORD OF COMMUNICATION	DOTHER (SPECIFY) IND	9908734	199
	(Record of item	n checked above)	
Grea Weber	Bene Berken	DATE 3	128/83
SUBJECT Extension of Potts	Supplemental &	forma	teon
SUMMARY OF COMMUNICATION  30 day e	xtensión on	Part B Se	pplementa
He well be in	the 14th of	Aprilto	deliver.
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			기 취
		*	
		ar e	
			e 13
30 day extens	104 G.W.	5/83	
INFORMATION COPIES TO:			·

### Completeness Checklist

	•	
Facility name _	Red Spot Paint & Varnish Co., Inc.	
Facility addres		
	Evansville IN 47711	
EPA identificat	ion number <u>IND 990873499</u>	
Type of facilit	cy Manufacturer of Paints, Varnishes and Laci	quers
Facility contact	t TC Brown	r
Date application	on received EPA 12/2/82 State 12/13/82	
Date checklist	completed 1/4/8/3	
Permit review t	team Steve Wakefield	

### COMPLETENESS CHECKLIST

A.	PART A APPL (40 CFR Sec	ICATION tions 122.4(d), 122.6(a) and (b),	Provided	Not provided	Not applicable	Comments
	122.24)	1				
B.	FACILITY DE	SCRIPTION				
	B-1	General description of facility (40 CFR Section 122.25(a)(1))		ATTACHE TO THE PARTY OF THE PAR	*dettraction of the second	
	B-2	Submission of a topographic map (40 CFR Section 122.25(a)(19))			<del></del>	
	в-3	Location Information (40 CFR Section 122.25(a)(11))				ON PART A APPLICATION
	B-3a	Seismic Standard (reserved) (40 CFR Sections 122.25(a)(11)(i) and (ii), 264.18(a))	- Annia de la gira de la composito della composito de la compo	The state of the s		NOT LISTED IN APPENDIX VI OF PART 264
	11-3b	Documentation which identifies whether facility is or is not located in a 100-year floodplain (FIA maps or maps developed with equivalent mapping techniques) (40 CFR Sections 122.25(a)(11)(iii), 264.18(b))			-	FIA MAP INCLUDED

### COMPLETENESS CHECKLIST (continued)

		Provided	broaldeq broaldeq	Not applicable	Comments
B-3b(1)	For facilities located within a 100-year floodplain, demonstration of compliance with 100-year flood-plain requirements by either the following: (40 CFR Sections 122.25(a)(11)(iv), 264.18(b))	شندراند بالاستخداد والاستخداد والاستداد والاستخداد والاستخداد والاستخداد والاستداد والاستداد والاستد والاست والاستداد والاستداد والاستداد والاستداد والاستداد والاست	attempt procedure and the second seco	<u> </u>	NEAREST 100 YR FLOOD PLAIN 4500 FT. NNE
B-3b(1)(a)	Structural or engineering studies showing the design of the hazardous waste units and floodproofing and protection devices at the facility and how these will prevent washout from the hydrostatic and hydrodynamic forces resulting from a 100-year flood (40 CPR Section 122.25(a)(11)(iv)(A) and (B))			<u> </u>	····
	OR				
B-3b(1)(b)	Flood Plan detailing procedures for removing hazardous waste to safety before the facility is flooded (40 CFR Section 122.25(a)(11)(iv)(C))	Miles of the state		<u> </u>	
B-3b(2)	For existing facilities not in compliance with 100-year floodplain requirements, submission of a compliance schedule (40 CFR Section 122.25(a)(11)(v)	Trademics of the Control of the Cont			

### COMPLETENESS CHECKLIST (continued)

	B 4	Description of traffic information (40 CFR Section 122.25(a)(10))	Provided	Not provided	Not applicable	Comments
c)	WASTE CHARA	ACTERISTICS				
	C-1	for each hazardous waste stored or treated, a general description of the waste, the hazard characteristics, the basis for hazard designation, and a laboratory report detailing the chemical and physical analyses of representative samples (40 CFR Sections 122.25(a)(2), 264.13(a))  A copy of the Waste Analysis Planthat describes the following: (40 CFR Sections 122.25(a)(3), 264.13(b) and (c))		American Spring		
	C-2a	hist of the parameters chosen for analysis and the rationale for their selection (40 CFR Section 264.13(b)(1))		<del></del>	Name of Street, or other Desires	
	C-2b	Description of the test methods used (40 CFR Section 264.13(b)(2)	<del></del>			EXCLUDED FLASH POINT TEST
	C-2c - {2	Description of the sampling methods used (40 CFR Sections 264.13(b)(3), 261, App. 1)			<u></u>	

Not

Not

### COMPLETENESS CHECKLIST (continued)

*.		Provided	provided	applicable	Comments
C-2đ	Description of frequency of analyses (40 CFR Section 264.13(b)(4))	· · · · · · · · · · · · · · · · · · ·		Ender of Estimated Association (	STATEMENTdoneasneeded."
C-2e	Description of inspection of off- site generated wastes (40 CFR Sections 264.13(b)(5), 264.13(c))	dinamp, ruding, gjiniş		*Ingular Adams of Princes	No OFF-SITE WASTES HANDLED
C-2f	Description of the methods used to meet additional waste analysis requirements necessary for storing or treating ignitable, reactive or incompatible wastes (40 CFR Sections 264.13(b)(6), 264.17)		Managara and America		FLASH POINT RUN
PROCESS	INFORMATION				

#### D.

D-1Containers

D-la Containers with free liquids

D-la(1) Primary containment devices: a description of the dimensions, construction materials, liner specifications (with container manufacturer's specifications, if available), condition and number of containers, and demonstration of compatibility of waste with containers (40 CFR Sections 122.25(b)(1)(1)(A), 264.171 and 264.172)

DOT 17E OR 17H DRUMS

### COMPLI NESS CHECKLIST (continued)

		Provided	Not provided	Not applicable	Comments	MENTION HOLDING
D-la(2)	Description of container management practices (opening, handling, and storage procedures) to insure container integrity (40 CFR Section 264,173)	<u> </u>	with grieve the "depression."	gad kaji <u>mar</u> okaj	NOT SPECIFIC	MENTA HON TANK 18
D-1a(3)	Design and operation specifications for secondary containment system in- cluding a drawing of all the design aspects of the containment system and: (40 CFR Sections 122.25(b)(1), 264.175(b))		derkanseski <sup>ning</sup> reder	State St	DRAWING PROVID	ED OF CONTAINMENT
	Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR Section 264.175(b)(1))	<del></del>				-
D-la(3)(b)	Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR Sections 122.25(b)(1)(i)(B), 264.175(b)(2))		<u> </u>			
D-la(3)(c)∑	Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR Sections 122.25(b)(1)(i)(C), 264.175(b)(3))				· · · · · · · · · · · · · · · · · · ·	

		Provided	Not provided	Not applicable	Comments
D-1a(3)(d	Description of containment system provisions for preventing or managing run-on (40 CFR Sections 122.25(b)(1)(i)(D), 264.175(b)(4))	da manama Militera ga da aganama		Grand and Address	
D-1a(4)	Description of procedures for detect- ing and removing accumulated liquids from the containment system in a timely manner (40 CFR Sections 122.25(b)(1)(i)(E), 264.175(b)(5))  Containers without free liquids			army's grows painted follows	•
0-16(1)	Documentation/information showing that the wastes do not contain free liquids (40 CFR Section 122.25(b)(1)(ii)(A))			<u> </u>	STORAGE AREA HOLDS CONTAINERS WITH FREE LIQUIDS
D-16(2)	Primary containment devices: a description of the dimensions, construction materials, liner specifications (with container manufacturer's specifications, if available), condition and number of containers, and demonstration of compatibility of waste with containers  (40 CFR Sections 264.171 and 264.172)				

0-14(1)

Description of container management practices (opening, handling, and storage procedures) to insure container integrity (40 CFR Section 264.173)



Containment system: a description of how design promotes drainage and removal of precipitation or how containers are kept from contact with free standing liquids (40 CFR Sections 122.25(b)(1)(ii)(B), 264.175(c)

D-2

Tanks

0-2a

References to design standards or other available information used in tank design construction, and information about tank dimensions, capacity, and shell thickness and other parameters needed to assess conformance with standards (40 CFR Sections 122.25(b)(2), 264.191)

D-2b

Description of design specifications including identification of construction and lining materials for assessment of corrosion and erosion potential (40 CFR Sections 122.25(b)(2)(ii), 264.192(a))

Provided	provided	applicable	Comments	
Charles and Control of the Control o	gmineri+iterapeti	67.1000 10C	and the second s	- 44
<del></del>	<del></del>			

UNKNOWN IF APPLICABLE

D TOI IS MENTIONED ON THE PART A APPLICATION IN

CONJUNCTION WITH KOBI. COULD NOT FIND ANY HAZARDOUS

WASTE DESIGNATED KOBI

\_\_\_\_

2 ALSO THERE IS MENTION OF PUMPING DRUMS TO A HOLDING TANK ON PAGE 18 OF 44. UNKNOWN IF THE HOLDING TANK IS A STORAGE TANK.

	,	Provided	Not provided	Not applicable	Comments
υ−2c	plagrams of piping, instrumentation, and process flow, and a description of feed systems, safety cut-off, bypass systems, and pressure controls (e.g., vents) (40 CFR Sections 122,25(b)(2)(iv) and (v), 264.192(b))	December 1970-1970	<u> </u>	SSSS SSS SSS SSS SSS SSS SSS SSS SSS S	Control of the contro
0>	Waste piles ,	,			
0)30	Waste piles with free liquids				
D-)(1)	Description of practices to control wind dispersal of hazardous waste (40 CFR Sections 122.25(b)(4)(i)(A), 264.251(a) and 264.252(a))				WASTE PILES NOT LISTED ON THE PART A APPLICATION
D-38(2)	Description of measures to divert run-on away from the pile (40 CFR Sections 122.25(b)(4)(i)(B)(l), 264.252(b))	<del></del>	<del></del>		
D=3((3)	Description of the leachate and run- off collection and control system. Includes a description of design and operating procedures to properly manage and dispose of any leachate that is a hazardous waste (40 CER Sections 122.25(b)(4)(i)(B)(2) and (b)(4)(i)(c)(2), 264.251(b), 264.252(c), 264.253(a)(i)(2)				

1-36(1) Description of the foundation supporting the base (40 CFR Sections 122.25(b)(4)(1)(B)(3), 264.253(b)(2) Waste pile base Design specifications of the pile base and containment system (or liners) that includes estimated con-. tainment life of the base, the permeability of the liner(s), and the estimated life of the hazardous waste pile. Information on the characteristics of the waste or leachate to which the liners are exposed, or: (40 CFR Sections 122.25(b)(4)(i) (B)(4) and (b)(4)(i)(B)(5), 264.253(a) and (b) and (d)) A description of the leachate detection, collection, and removal system relative to the water table and a description of any efforts to control water table (40 CFR Sections 122.25(b)(4)(1) (B)(6), 264.253(a)

. /		Provided	Not provided	Not applicable	Comments
D-3((6)	Description of efforts to protect the containment system from vegetation growth which could puncture any component of the system (40 CFR Sections 122.25(b)(4)(i)(C)(1), 265.253(c))		and	<u> </u>	
D-79(7)	Description of the equipment and procedures utilized for waste pile movement (40 CFR Section 122.25(4)(1)(C)(3))				
D de	Waste pile without free liguids		•		
D-XD(1)	Documentation/information to show that a waste pile does not contain free liquids, and will not generate leachate during management of the pile (40 CFR Section 122.25(b)(4)(ii)(A))				
0-(2)	Description of how the pile is protected from dispersal by wind (40 CFR Sections 122.25(b)(4)(ii)(C), 264.250(b)(4))		<del></del>		
D-\(\(\begin{array}{c} \operatorname{1}{\partial} \\ \operatorname	Description of how the pile is protected from surface water run-on (40 CPR Sections 122.25(b)(4)(ii)(B), 264.250(b)(2) and (b)(3))	Mary and Address of the Control of t	· 		

	<b>.</b> /		Provided	Not provided	Not applicable	Comments
	D-70(4)	Demonstration that materials containing free liquids are not placed in the pile (40 CFR Sections 122.25(b)(4)(11)(D)(2), 264.250(b)(1))	ggabrint through	ensymptor writed		Happiner and the ANN Street and place disable which their educations
	D - 4	Surface impoundments (reserved)	•			
	D~5	Incinerators (reserved)				
и.	/ GROUND WAT	ER MONITORING PROGRAM (RESERVED)				
F.	PROCEDURES	TO PREVENT HAZARDS				
	F-1	Security				
	F-1a	Description of security procedures and equipment: (40 CFR Sections 264.14, 122.25(a)(4))				
	F-la(1)	(40 CFR Section 264.14(b)(1))	Market STRAMSTAMEN			DURING OFF HOURS SECURITY IS MAINTAINED BY PATROLLING BY HUMAN AND DOOS
•	F-la(2)	Barrier and means to control entry (40 CFR Section 264.14(b)(2)(1))			<del></del>	FENCE & GATES MENTIONED
	F-1a(3)	Warning signs (40 CFR Section 264.14(c))			<del></del>	Not Specific " Warning signs, Consistent with industry practice

		Provided	Not provided	Not applicable	Comments
F-lb	If included, a request for waivers that demonstrate an intruder would not be injured or cause a RCRA violation (40 CFR Section 264,14(a))	Mhymmynnymm			WAS NOT INCLUDED
F-2	Inspection schedule (40 CFR Sections 122.25(a)(5), 264.15)				
F-2a	A copy of the general inspection schedule for security devices and monitoring, safety, emergency, operating, and structural equipment (40 CFR Sections 264.15(a) and (b), 264.33		<del></del>		
F-2a(1)	Identification of the types of pro- blems to be inspected (40 CFR Section 264.15(b)(3))			<del></del>	
F-2a(2) /2	Identification of the frequency of inspection (40 CFR Section 264.15(b)(4))				
F-2b	A copy of the inspection schedule for specific process requirements	/		<del></del>	·

	Provided	Not provided	Not applicable	Comments
F-2b(1) Pescription of procedures and schedule for specific requirements for containers including weekly inspections of containers, container storage areas and containment system(s) (40 CFR Section 264.174)  F-2b(2) Description of procedures and schedule for specific requirements for tanks	gang gana atau atau d			NOT INCLUDED FOR CONTAINER STORAGE AREA AND CONTAINMENT SYSTEM.
including daily inspections of overfill- ing control equipment, data gathered from monitoring equipment and level of waste in uncovered tanks; weekly in- spections of above ground portion of the tank, and area immediately sur- rounding the tank; and regular inspec- tions as needed to detect cracks, leaks, corrosion, erosion or wall thinning in the tank (40 CFR Section 264.194(a) and (b))				
Description of procedures and schedule for specific requirements for waste piles including inspections of liner systems and manufactured liner materials during construction or installation of the waste pile base; and inspection of the waste pile containment system and surrounding area			· 	

		Provided	Not provided	Not applicable	Comments
F-2c	Description of procedures for ensur- ing that remedial action is taken when inspections reveal problems (40 CFR Sections 264.15(c), 264.194(c), 264.255)			*Oddinassystimasis	IN THE CONTINGENCY PLAN
F-2d	A copy of the inspection log (40 CFR Section 264.15(d))	inneque-d <sup>2-q2+-a</sup> t-conf		gett <del>ielge</del> tetterme	ONLY ONE PAGE OUT OF THE INSPECTION LOW WAS INCLUDED
F-3	Request for waivers of preparedness and prevention requirements (40 CFR Sections 122.25(a)(6), 264.32 and 264.35)		entremandent entre		INCLUDED PREPAREDNESS & PREVENTION
F-3a	Request for waiver of the equipment requirements (40 CFR Section 264.32)				REQUIRED EQUIPMENT IS MENTIONED IN THE CONTINGENCY PLAN
F-3b	Requests for waiver of the aisle space requirement (40 CFR Section 264.35)	<del></del>			NO MENTION OF ISLE SPACE
F-4	A description of procedures struc- tures and equipment used at the facility to accomplish the following: (40 CFR Section 122.25(a)(8)		•		
F-4à	Prevent hazards in unloading operations (40 CFR Section 122.25(a)(8)(1))				NOT MENTIONED

		Provided	Not provided	Not applicable	Comments
F-4b	Prevent runoff from hazardous waste handling areas (40 CFR Section 122.25(a)(8)(ii))	page-dell'ide (TS 2 <sub>00</sub> 0-mins)		<del>erroll or lang</del>	
F-4c	Prevent contamination of water supplies (40 CFR Section 122.25(a)(8)(iii))	. —		wyy walka na magani da magani	- L
F-4d	Mitigate the effects of equipment failure and power outages (40 CFR Section 122.25(a)(8)(iv))	de alle quality and another		Carlo	d we wrenty make the management and the management of the manageme
F-4e	Prevent undue exposure of personnel to hazardous waste (40 CFR Section 122.25(a)(8)(v))				
P-5	Prevention of reaction of ignitable, reactive, or incompatible wastes	Congression and the	- variable and the same of the		STATED EARLIER NO REACTION POTENTIAL
P-Sa	Demonstration of the specific precautions used to prevent ignition or reaction of ignitable or reactive wastes (40 CFR Sections 122.25(a)(9), 264.17(a) and (c))	alkalamajan saimaya san	denate e esta como	<u> </u>	
F-5b	Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR Sections 122.25(a)(9), 264.17(b) and (c))		<u> </u>		IGNITABLE WASTES HANDLEP

Not

## COMPLETENESS CHECKLIST (continued)

		Provided	provided	applicable	Comments
F-5c	For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zonc/location/container separation requirements for ignitable or reactive waste (40 CFR Sections 122.25(b)(1)(iii), 264.176)			***************************************	IGNITABLE WASTES ARE STORED
F-5 d	If incompatible wastes are stored, a description of the procedures used to insure compliance with the regulations for incompatible waste/material storage in the same container(s) (40 CFR Sections 122.25(b)(1)(iii), 264.177)				NO INCOMPATIBLE WASTES
F-5 e	For tanks, a description of operational procedures for handling and storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR Sections 122.25(b)(2)(vi), 264.198)		<u> </u>		Tol

Not

G.

		Provided	Not provided	Not applicable	Comments
F-5£	If incompatible wastes are stored, a description of the procedures used to insure compliance with the regulations for incompatible waste/material storage in the same tank(s) (40 CFR Sections 122.25(b)(2)(vi), 264.199(b))	gargeritätstyre		<u> </u>	
F ag	For waste piles, a detailed description of facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements (40 CFR Sections 122.25(b)(4)(ii)(D)(2), 261.21, 261.23, 264.256)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		<u> </u>	•
₽-5h	If incompatible wastes are stored, a description of the procedures used to insure compliance with the regulations for incompatible waste/material storage in the same waste pile(s).  (40 CFR Sections 122.25(b)(4)(ii)(D)(1), 122.25(b)(4)(i)(C)(4), 264.257)			<u> </u>	
,	PLAN tions 122.25(a)(7), 264.50 thru 264.56) he contingency plan or amended SPCC plan	<u> </u>	*******		
G-1	A general description of the facility (40 CFR Section 264.52(b))	American Alba			NOT INCORPORATED INTO THE CONTINUENCY PLAN

		Provideđ	Not provided	Not applicable	Comments
G-2	A list of emergency coordinator's names and phone numbers (40 CFR Sections 264.52(d), 264.55)		**************************************		
G-3	A list of criteria for, implementation of the plan (40 CFR Sections 264.52(a), 264.56(d))	<u> </u>	All the shadow to the shadow of	indonesti ayan pangajarang	
G~4	A description of emergency response procedures for spills fires, and explosions (40 CFR Sections 264.52, 264.56 and 264.171, 264.194(c), 264.255 and 264.258)		Military and design	*******	;
G~5	A description of emergency equipment including location and capabilities (40 CFR Section 264.52(e))	<del></del>			LOCATION & CAPABILITIES NOT DISCUSSED
G-6	A description of coordination agree- ments with police and fire depart- ments, hospitals, contractors and state and local emergency response teams (40 CFR Sections 264.52(c), 264.37)			·	

		•	Prov laca	No t proviđed	Not applicable	Comments
	G~7	A copy of the evacuation plan $(40 \text{ CFR Section } 264.52(f))$		<del>en majagona jago</del> ga	Erromation to military and	An exercise to the second of t
	G-8	A description of provisions for sub- mittal of required reports (40 CFR Section 264,56(j))	dam + H Town + + Class		Million of the state of the sta	
ii.	PERSONNI	EL TRAINING				
	training	tion of the introductory and continuing programs Sections 122.25(a)(12), 264.16)	Edwards-elisablet-strange	***************************************	Electronic structures	
	11-1	No outline of the training program which should briefly describe:				·
	n-la	Job titles, duties, and name of each employee receiving training (40 CER Sections 264.16(d)(1) and (d)(2))	· · · · · · · · · · · · · · · · · · ·			
•	. d1-11	Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR Sections 264.16 (c) and (d)(3))	<del></del>		<del> </del>	
	п-1 с	Training director's qualifications (40 CER Section 264.16(a)(2))			,	
	H-1d	Relevance of training to job position (40 CFR Section 264.16(a)(2))				

	II-le	Training for emergency response (40 CFR Section 264.16(a)(3))	Provided	Not provided	Not applicable	Comments
	H-2	Provisions for implementing the training program (40 CFR Bactions 264.16(b) and (d)(4))	ger ar arbitrari musa.		aproblema estaturente	
ſ.	CLOSURE (40 CFR	PLANS, POST-CLOSURE PLANS AND FINANCIAL REQUIR Sections 122.25(a)(13), 264.110 thru 264.120)	ements			
	I -1	A written closure plan submitted with a description of final closure activities and how these will be conducted according to the regulations.  (40 CFR Sections 122.25(a)(13), 264.112)				
	I – l a	Closure Performance Standard: A description of how closure minimizes the need for further maintenance and controls and minimizes the release of wastes to the environment.  (40 CFR Section 264.111)				
	I - I b	A description of partial closure and final closure activites (40 CFR Section 264.112(a)(1))				

	Provided	provided	No t			· •
I-lc	A description of the maximum waste inventory (quantities) in storage and treatment at any time during the life of the facility (40 CFR Section 264.112(a)(2))	<u> </u>	PROVIDED	NOT APPLICABL	E COMMENTS	
1-1 <i>d</i>	A description of procedures for inventory removal and decontamination or disposal of facility equipment during final closure, and the criteria to be used for determining contamination. (40 CFR Section 264.112(a)(3) and 264.114)					
(-ld(l)	For storage containers, a detailed description of how at closure all hazardous waste and hazardous waste residues will be removed from the containment system, and how remaining contaminated containers, liners, and bases will be decontaminated or removed (40 CFR Section 264.178)		<u> </u>		CONTAMINATION OF SE NOT INCLUDED	LINEROR
1-1d(2)	For storage tanks, a detailed description of how at closure all hazardous waste and hazardous waste residues will be removed from tanks and how the area will be decontaminated (40 CFR Section 264.197)					

\ /		Provided	Not provided	Not applicable	Comments
1-10(3)	For waste piles, a demonstration of how at closure all hazardous waste and hazardous waste residues will be removed from the pile and from containment system components, and how the containment system and associated components will be decontaminated or removed and disposed of (40 CFR Section 264.258)		· .	<u> </u>	
f-le A	An estimate of the schedule of final closure, including the expected year of closure and a milestone chart depicting the total time required to close the facility and the time required for intervening closure activities (40 CFR Section 264.112(a)(4)	december of the special of			
1-16	the event a longer period of closure time is needed, provide a request which justifies an extension of closure time (40 CFR Section 264.113(a) and (b))				
1)/2	Post-closure (Applicable only for sur- face impoundments, landfills or land treatment disposal facilities)		·		
1	Notice in deed and notice to land authority (Applicable only for surface impoundments, landfills or land treatment disposal facilities)			<u> </u>	

		Provided	Not provided	Not applicable	Comments
1 ~ 4	A dated copy of the closure cost estimate (40 CFR Section 122.25(a)(15) and 264.142)	aller and all all and all all all all all all all all all al			COPY NOT DATED
I -5	A completed but unexecuted copy of the financial assurance mechanism or mechanisms for closure (if the facility is in a state which does not have Phase I or Phase II authorization, an unexecuted copy should have been submitted by July 6, 1982) (40 CFR Section 122.25(a)(15) and 264.143)	_/_	<del></del>		BUT MAY NOT BE ADEQUATE
1/6	A copy of the post-closure cost esti- mate (Applicable only for surface impoundments, landfills or land treatment disposal facilities)			_	
×	Financial assurance mechanisms for postclosure (Applicable only for surface impoundments, landfills, or land treatment disposal facilities)			<u></u>	

К.

	·	Provided	Not provided	Not applicable	Comments
I-8	Proof of liablity coverage for sudden accidental occurences; either a certificate of insurance, passing a financial test or by combination of the two (if the facility is in a state which does not have Phase I or II authorization, a signed duplicate original of the policy's hazardous waste facility liability endorsement or certificate of liability insurance should have been submitted by July 15, 1982) (40 CFR Section 122.25(a)(17) and 264.147)				
1 -9	If a state-required financial mechanism is utilized, submit a copy of the state required financial mechanism, and a letter requesting that the state mechanism be acceptable (40 CFR Section 122.25(a)(18) and 264.149)	<del></del>	all places and the second seco		
OTHER FEE	DERAL LAWS				
	on related to the facility's compliance er federal laws	<del></del>			
CERTIFICA	T I ON	,			
with requ	on accompanied by a certification letter fired signature fection 1226.(a) and (d)				

DATE:	1-28-83
NC:	PART B
	Installation Name RED SPOT PAINT & VARNISH CO
	Installation Address 966-1016 E. Columbia St. Evansuille, IN
	EPA'ID# /NO 990 873 499
FROM:	Regulatory Analysis and Information Section
TO:	Daniel J. Banaszek -OH,MN
	X Horst E. Witschonke-IL, IN Reviewer: They Webles
	William E. Muno-MI,WI
	Attached for your attention is a copy of the Part B fullsequent Submission the above referenced facility.
	ACTION REQUIRED
	X Existing Facility
•	Notify Versar/La Nita Marrable (886-5438) of responsible person upon receipt of Part B.
	New Facility
	Notify Versar/La Nita Marrable (886-5438) of responsible person upon receipt of Part B.
	Part A enclosed Please Review.
	Make xerox of Part A, code and return to Versar within one week for data entry.
	Voluntary Part B
F85	Notify Versar/La Nita Marrable (886-5438) if NEW or EXISTING facility.
	Notify Versar/La Nita Marrable (886-5438) of responsible person upon receipt of Part B.
	X Other
	X Only / copy/copies received, please ask for 3 additional copy/copies as part of the completeness check.
COMMEN	TS: Copy of completed checklist - according to
	the occur letter - from the state rend -
	1-28-83 - Titled "Copy 2"
	Flom 15BH

PLEASE RETURN TO VERSAR/LA NITA MARRABLE ... Thank You.

5HN-TUB

DEC 1 0 1982

Certified Mail
Return Receipt Requested

Mr. Guinn P. Doyle, Chief Hazardous Waste Management Branch Indiana State Board of Health 1330 West Michigan Street Indianapolis, Indiana 46206

> RE: Part & Application Red Spot Paint & Varnish Co., Inc. IHD 990873499

Dear Mr. Doyle:

I am herewith transferring the Part 8 hazardous waste permit application for the referenced facility. Please evaluate the application for completeness using the enclosed checklist, and return the filled-out checklist with a draft letter of response by January 10, 1983.

Please contact Mr. Greg Weber of my staff, at (312) 886-3719, if you need additional information.

Sincerely,

William H. Miner, Chief Technical, Permit, and Compliance Section

Enclosures

bcc: R. Shandross, SIO K. Burch, GCMU

L. Marrable, VERSAR



INDIANA STATE ENVIRONMENTAL MANAGEMENT BOARD ONLY

INDIANAPOLIS 46206-1964

1330 West Michigan Street P.O. Box 1964

May 28, 1985

Mr. Eugene Berkey Red Spot Paint and Varnish Company, Inc. 110 Main Street P.O. Box 418 Evansville, IN 47708

Dear Mr. Berkey:

Re: Closure of the Red Spot Paint and Varnish Company, Inc. Evansville, Indiana IND 990873499

This letter is written to confirm the receipt of certification dated May 13, 1985, that closure has been completed as outlined in the closure plan for the above-referenced facility. With the receipt of this certification, closure is complete as required by 40 CFR 265.110 through 265.115 and 320 IAC 4-7-1.

A copy of this letter has been sent to Region V of the U.S. EPA. Your Company should now petition Region V, U.S. EPA, to change the status of your Company to either a generator or small quantity generator. Only the EPA has the authority to change the status of your facility. Once the EPA changes your Company's status, the State will change its records to correspond with the classification designated by the EPA. Your letter to the EPA should be addressed to:

> Mr. Basil G. Constantelos Director, Waste Management Division Region V, U.S. EPA 230 South Dearborn Street Chicago, IL 60504

Red Spot Paint and Varnish Company, Inc., originally notified U.S. EPA, Region V, as a hazardous waste storage and treatment facility with SO1, TO1, and TO4 process codes. The approved closure plan indicates that only the SOI process code has been eliminated. Please be advised that the status of your TO1 and TO4 process codes must be successfully addressed with the U.S. EPA before your status can be changed. In a telephone conversation on May 16, 1985, with Mr. Thomas Linson of this office, you indicated that your Company has never treated hazardous waste (TO4) or stored it in tanks (TO1). A signed, certified statement to this regard must be sent to this office and included in your petition to the U.S. EPA.

Please indicate if your Company wishes to retain your EPA identification number.

If there are any questions concerning this matter, please contact Mr. Thomas Linson at AC 317/243-5084.

Very truly yours,

Ralph C. Pickard Technical Secretary

TEL/tr

cc: Evansville-Vanderburgh County Health Department Mr. Kenneth Burch, U.S. EPA, Region V

Mr. Hak Cho, U.S. EPA, Region W

Mr. Jeff Stevens

**ENVIRONMENTAL MANAGEMENT BOARD** 



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NAI OLIS 40200—1704

1330 West Michigan Street P. O. Box 1964

December 20, 1984

Mr. Eugene Berkey Red Spot Paint and Varnish Company, Inc. 110 Main Street P.O. Box 418 Evansville, IN 47708

Dear Mr. Berkey:

Re: Closure of the Red Spot Paint and Varnish Company, Inc.

Evansville, Indiana IND 990873499

This letter is written to inform you that the closure plan submitted by you September 19, 1984, for the above-referenced facility has been approved. The public comment period for the closure document began October 31, 1984, and ended November 30, 1984. No comments were received.

You are reminded that certification of closure must be sent to this office by a registered professional engineer and by the owner/ operator of the facility. Please indicate in your response the desired future status of your facility (TSDF, generator, small quantity generator, or non-handler). This will aid our office in assisting your Company achieve the necessary change in status.

If there are any questions regarding this matter, please contact Mr. Thomas Linson at AC 317/243-5084.

Very truly yours,

Ralph C. Pickard Technical Secretary

TEL/tr

cc: Mr. Richard Shandross, U.S. RPA, Region VV Vanderburgh County Health Department

JUBJECT: Red Spot Paint and Varnish (IND 990 873 499)
Hazardous Waste Handling Status

MEMO TO: File

FROM: POUL Little Strategy Poul Perpa Enforcement Section

A U.S. EPA Socility inspection conducted on March 20, 1987, and a subsequent NOV dated July 15, 1987, cited Red Spot for several TSD "land disposal" regulation violations.

In its July 2),198), response Red Spot stated that it was not a 75D, but a Generator accumulating hazardois waste for 90 days onless. Further, Red Spot referenced a May 13, 1985, certification of closure for its 75D facility. Which was accepted by the State of Indiana in a letter lated May 26, 1985. Indiana's letter recommended to Red Spot that they petition Region V to change the handling classification of the company.

Subsequently, Region V received a September 24, 1985, letter from Red Spot petitioning for the change. It oppears that U.S. EPA never responded to Red Spot's letter. Our HWDMS print-out currently lists Red Spot as a G, TSD.

I checked further with the Indiana Dept of Environmental Management. According to Terry Gray, Chief of IDEM's hazardous waste Plan Review of Permit Section, Red pot over)

and Arman Arman and Arman

is indeed a Generator, not a TOP. A letter to that effect was sent recently from according to Gray, to the state project officer for Indiana.

It appears that barring information to the contrary, Red Spot should be considered a Generator at this Time,

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(3) File

(4) INDIANAPOLIS 46206-1964 -1/10x

ENVIRONMENTAL MANAGEMENT BOARD

1330 West Michigan Street P. O. Box 1964

December 20, 1984

Mr. Eugene Berkey
Red Spot Paint and Varnish Company, Inc.
110 Main Street
P.O. Box 418
Evansville, IN 47708

Dear Mr. Berkey:

Re: Closure of the Red Spot Paint and

Varnish Company, Inc. Evansville, Indiana IND 990873499

This letter is written to inform you that the closure plan submitted by you September 19, 1984, for the above-referenced facility has been approved. The public comment period for the closure document began October 31, 1984, and ended November 30, 1984. No comments were received.

You are reminded that certification of closure must be sent to this office by a registered professional engineer and by the owner/operator of the facility. Please indicate in your response the desired future status of your facility (TSDF, generator, small quantity generator, or non-handler). This will aid our office in assisting your Company achieve the necessary change in status.

If there are any questions regarding this matter, please contact Mr. Thomas Linson at AC 317/243-5084.

Very truly yours,

Ralph C. Pickard Technical Secretary

TEL/tr

cc: Mr. Richard Shandross, U.S. EPA, Region V/V Vanderburgh County Health Department

## STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER



### **INDIANAPOLIS**

Address Reply to: Indiana State Board of Health 1330 West Michigan Street P. O. Box 1964 Indianapolis, IN 46206-1964

OCT 0 1 1984

Mr. Eugene Berkey Red Spot Paint and Varnish Company, Inc. 110 Main Street P.O. Box 418 Evansville, IN 47708

Dear Mr. Berkey:

Re: Closure Plan

Red Spot Paint and Varnish Company, Inc.

IND 990873499

This will acknowledge the receipt of a closure plan from your Company on September 19, 1984.

Staff have reviewed the information submitted and determined that it is sufficient to meet requirements. The plan will be public noticed in a newspaper local to your area. You will be notified when the public comment period has ended.

If you have any questions concerning this matter, please contact Mr. Thomas Linson of my Section at AC 317/243-5084.

Very truly yours,

Terry F. Draw

Terry F. Gray, Chief Plan Review and Permit Section Hazardous Waste Management Branch Division of Land Pollution Control

TEL/tr

cc: Mr. Richard Shandross, U.S. EPA, Region V V
Mr. Joe Hellman, RDER Associates Consulting
Engineers, P.C.

# RED SPOT PAINT & VARNISH CO., INC.

TELEPHONE (812) 428-9100 . P.O. BOX 418

ONE TEN MAIN STREET . EVANSVILLE, INDIANA 47703

November 30, 1984

U. S. A.

Red Spot Paint & Varnish Co., Inc. Research Center Box 418 Evansville, Indiana 47703

#### **EUROPEAN**

Red Spot European Division
E. Wood Ltd.
International House
World Trade Centre
1 St. Katharine's Way
London, El 9UN

#### **ENGLAND**

Red Spot European Research Centre E. Wood, Ltd., Talbot Works Stanstead Abbotts, Ware-Herts SG12 8DP England

#### JAPAN

Manufacturing Fujikura Kasei Co., Ltd. 6-15, 2-chome, Shibakoen Minato-Ku, Tokyo 105, Japan

Sales & Technical Service Kyokuto Boeki Kaisha. Ltd. 7th Floor, New Otemachi Bldg. 2-1, 2-chome, Otemachi, Chiyoda-ku Tokyo 100-91, Japan

#### **AUSTRALIA & NEW ZEALAND**

Triton Paints Ltd. 810-818 Princes Highway P. O. Box 178 Springvale, Victoria 3171 Australia

#### TAIWAN

Berlin Co., Ltd. 43 Ta-Yeh South Road Hsiao Kang Area Kaohsiung, Taiwan

#### HONG KONG

Connell Bros. Co. (H.K.) Ltd. 9th Floor, Belgian House 77-79 Gloucester Road GPO Box 88 Hong Kong

#### SINGAPORE

Connell Bros. Co., Ltd. Unit 0505, 5th Floor GSM Building 141 Middle Road Singapore 0718

#### BRAZIL

Kelly Tintas E Solventes Ltda. Av. Interlagos, 1834 CEP 04660 Sao Paulo, Brazil Indiana State Board of Health
Division of Land Pollution Control
Box 1964
Indianapolis, Indiana 46206

Attention: Tom Linson

WASTE MANAGEMENT BRANCH

Mr. Linson:

We are amending our closure plan with the attached procedure. We are doing this to insure that we have the site clean by the agreed closure date.

Also attached are the permits for the company we hired to clean the site.

If there are any questions, do not hesitate to contact me.

Sincerely,

Eugene Berkey

Materials Control Manager

enc.

cc: Greg Weber - USEPA
Joe Hellman - Eder Associates

EB/rgg

#### Amended Closure Procedure

In order to meet the December 31, 1984, closure date; Red Spot Paint and Varnish Co., Inc. has hired Resource Recycling Technologies, Inc. of Portland, Tennessee 37148 to perform the clean up of accumulated waste solvent.

The pumpable solvent will be transported in tanker loads and blended with other waste streams to meet the specifications of a rotary kiln fuel and destroyed by high temperature incineration.

The non-pumpable solids will be consolidated and solidified in open head D.O.T. 17H drums and transported to a permitted landfill.

The empty drums will be crushed, the crushed drums sold to a local scrap dealer.



## Resource Recycling Technologies, Inc.

and Divisions
Tennessee Oil and Refining
Industrial Liquids Recycling
Chem-Fuel, Resource Chemical
1000 Market St. - Portland, Tennessee 37148

natabar 1 100%

THIS CERTIFICATE

SUED AS A MATTER OF INFORMATION ONLY AND O

RS NO RIGHTS UPON THE CERTIFICATE HOLDER FORDED BY THE POLICIES LISTED BELOW

CORROON & BLACK OF NASHVILLE P.O. BOX 1020			COMPANIES AFFORDING COVERAGES  COMPANY A FIREMAN'S FUND INSURANCE CO.					
RES	OURCE RECYCLING	COMPANY C						
NAMI	ED INSURED)	ACHED FOR COMPLETE	COMPANY D					
POR!	MARKET STREET LAND, TN 3714	COMPANY E						
term or o	condition of any contract or other	ce fisted below have been issued to the in document with respect to which this certifi ions and conditions of such policies.	sured named above and licate may be issued or m	ay pertain, the insurance	e afforded by the p	olicies described		
COMPANY LETTER	TYPE OF INSURANCE	POLICY NUMBER	POLICY EXPIRATION DATE	LIMITS OF LI	ABILITY IN THOUSAN	AGGREGATE		
A	GENERAL LIABILITY COMPREHENSIVE FORM	LA3385347	Ø6-3Ø-85	BODILY INJURY	OCCURRENCE \$	AGGREGATE		
	PREMISES—OPERATIONS  EXPLOSION AND COLLAPSE HAZARD  UNDERGROUND HAZARD			PROPERTY DAMAGE	\$			
	PRODUCTS/COMPLETED OPERATIONS HAZARD CONTRACTUAL INSURANCE BROAD FORM PROPERTY DAMAGE INDEP CONTRACTORS			BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$500	\$500		
	PERSONAL INJURY			PERSONAL I	NJURY	\$500		
•	AUTOMOBILE LIABILITY	** 2205247	96 29 05	BODILY INJURY (EACH PERSON)	\$			
Α	COMPREHENSIVE FORM  OWNED	LA3385347	Ø6-3Ø-85	BODILY INJURY (EACH ACCIDENT)	s			
	HIRED			PROPERTY DAMAGE	\$			
	EXCESS LIABILITY	***************************************		PROPERTY DAMAGE COMBINED	\$500			
A	W UMBRELLA FORM OTHER THAN UMBRELLA FORM	XLB1645608	Ø6-3Ø-85	BODILY INJURY AND PROPERTY DAMAGE COMBINED	, 5,000	5,000		
	WORKERS' COMPENSATION	****	96 39 05	STATUTORY				
A	and EMPLOYERS' LIABILITY	WC80037792	Ø6-3Ø-85		, 100	(EACH ACCIDENT		
	OTHER							
DESCRIPT	ON OF OPERATIONS/LOCATIONS/V	EHICLES						
Car	ncellation: Should any of t	he above described policies be car days written notice to the l						

pose no obligation or liability of any kind upon the company.

OR ITS REPRESENTATIVE

NAME AND ADDRESS OF CERTIFICATE HOLDER

RED SPOT PAINT & VARNISH CO., INC.

ATTN: EUGENE BERKEY

1016 EAST COLUMBIA AVENUE

EVANSVILLE

IN 47703

October 3, 1984

CORROON & BLACK OF NASHVILLE

Laca D. Hagin AUTHORIZED REPRESENTATIVE



## ACKNOWLEDG. NT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

CHER FUELS INC
HIGHWAY 109
PORTLAND

INSTALLATION ADDRESS

HIGHWAY 109
PORTLAND

TR 37148

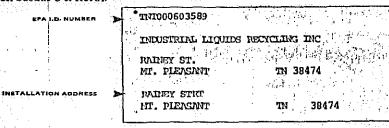
EPA Form 8700-12A (4-80)

## **SEPA**

4 |

## ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

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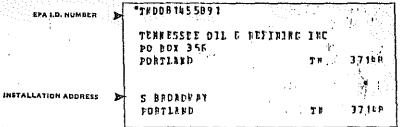


EPA Form 8700-12A (4-80)

## SEPA

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## STATE BOARD OF HEALTH

INDIANAPOLIS



## OFFICE MEMORANDUM

WASTE MANAGEMENT DATE: October 10, 1984 BRANCH

THRU: Ralph C. Pickard

VUTETE MANAGEMENT BRANCH

TO:

Art Logsdon

Office of Agency Communications

FROM:

David D. Lamm, Director

Division of Land Pollution Control

SUBJECT:

Public Notice of Closure Plan for Red Spot Paint and Varnish Co, Inc.

110 Main Street

Evansville, Indiana 46802

Attached is a Public Notice that should be placed in a newspaper local for Evansville and run for one day.

TEL/tr Attachment cc: U.S. EPA

#### PUBLIC NOTICE

The Environmental Management Board (EMB) has received a closure plan from Red Spot Paint and Varnish Company, Inc., 110 East Main Street, Evansville, Indiana. Red Spot Paint and Varnish Company, Inc., had previously made application for a permit to conduct long-term storage of hazardous waste. The plan submitted on September 19, 1984, proposes that long-term storage be terminated. In the future, Red Spot Paint and Varnish Company, Inc., will only accumulate hazardous waste on-site for time periods less than 90 days or in quantities less than 2,200 pounds. Closure of hazardous waste storage facilities requires written certification by a principal executive officer and an independent registered professional engineer that the closure plan has been properly completed and that on-site activities are in compliance with 40 CFR 262.34.

The plan was submitted to satisfy regulations promulgated under the Resource Conservation and Recovery Act and the Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements. The Federal requirements were published under 40 CFR 265, Subpart G, which appeared in the Federal Register January 12, 1981. The State requirements were published under 320 IAC 4, Rule 7. The plan will be evaluated by the Environmental Management Board according to the criteria of the regulations.

The plan and related background materials are available to the public at the Division of Land Pollution Control, 5500 West Bradbury Street, Indianapolis, Indiana, AC 317/243-9100, from 8:15 a.m. to 4:45 p.m., Monday through Friday. Copies are available for the cost of duplication.

Public comments concerning this application are requested by the Environmental Management Board and will be accepted for 30 calendar days following the date of publishing. Please send comments to:

Division of Land Pollution Control Indiana State Board of Health 1330 West Michigan Street Indianapolis, IN 46206

TEL/tr

# STATE - INDIANA



# **INDIANAPOLIS**

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to: Indiana State Board of Health 1330 West Michigan Street P. O. Box 1964 Indianapolis, IN 46206-1964

OCT 0 1 1984

Mr. Eugene Berkey Red Spot Paint and Varnish Company, Inc. 110 Main Street P.O. Box 418 Evansville, IN 47708

Dear Mr. Berkey:

Re: Closure Plan

Red Spot Paint and Varnish Company, Inc.

IND 990873499

This will acknowledge the receipt of a closure plan from your Company on September 19, 1984.

Staff have reviewed the information submitted and determined that it is sufficient to meet requirements. The plan will be public noticed in a newspaper local to your area. You will be notified when the public comment period has ended.

If you have any questions concerning this matter, please contact Mr. Thomas Linson of my Section at AC 317/243-5084.

Very truly yours,

Terry F. Draw

Terry F. Gray, Chief Plan Review and Permit Section Hazardous Waste Management Branch Division of Land Pollution Control

TEL/tr

cc: Mr. Richard Shandross, U.S. EPA, Region V V Mr. Joe Hellman, EDER Associates Consulting Engineers, P.C.



# **INDIANAPOLIS**

Address Reply to: Indiana State Board of Health

1330 West Michigan Street P. O. Box 1964 Indianapolis, IN 46206-1964

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

Mr. William H. Miner, Chief Technical, Permits, and Compliance Section U.S. EPA, Region V C F F V E

230 South Dearborn Str Chicago, IL 60604

DEG 2 1 1984

December 19, 1984

Dear Mr. Miner:

WASTE MANAGEMENT

U.S. Environmental Protection Agency vs.

Red Spot Paint and Varnish Company, Inc. Evansville, Indiana

In reviewing a copy of the CAFO in the above-referenced matter which was received by this office on December 12, 1984, a minor inaccuracy was noted which we would like to bring to your attention.

Among the terms of the document, reference was made to the Indiana State Board of Health receiving and approving closure plans pursuant to 320 IAC 4. In reality, the receipt and approval of closure plans is a function of the Indiana Environmental Management Board. This is a common source of confusion since staff employed by the Indiana State Board of Health serve as technical staff to the Indiana Environmental Management Board.

We suggest, however, that in legal documents pertaining to RCRA and 320 IAC 4, that the Indiana Environmental Management Board be designated therein as the responsible agency.

If you have any questions regarding this matter, feel free to contact me.

Very truly yours,

Thomas Russell, Chief

**Enforcement Section** 

Hazardous Waste Management Branch Division of Land Pollution Control

AC 317/243-5012

TLR/tr

cc: Mr. Guinn Doyle

SENDER: Complete items 1, 2, 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested. 1. Show to whom, date and address of delivery. 2. Restricted Delivery. 3. Article Addressed to: C.D. Storms Red Spot Paint & Varnish Co. 110 Main Street Evansville, IND 47703 4. Type of Service: Article Number Aegistered
Certified
Express Mail Insured COD P 602 533 150 Always obtain signature of addressee or agent and DATE DELIVERED. 5. Signature - Addressee 6. Signature - Agent RETURN Date of Delivery Addressee's Address (ONLY if requested and fee paid)

D. Weber



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Company, Inc.
110 Main Street
Evansville, Indiana 47703

Re: Consent Agreement and Final Order Red Spot Paint and Varnish Co., Inc. Docket Number V-W-84-R-039

Dear Mr. Storms:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-84-R-056 signed by you. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief

Technical, Permits, and Compliance Section

Enclosure

cc: G. Doyle, ISBH

REGION V
REGION V
REGION V
CHICAGO IL 60604

UNITED STATES ENVIRONEMNTAL PROTECTION AGENCY 1984 REGION V

In the matter of:

U.S. ENVIRONMENTAL PROTECTION AGENCY

RED SPOT PAINT AND VARNISH COMPANY, INC. ) Docket No. V-W-84-R-039 P.O. BOX

47703

EVANSVILLE, INDIANA U.S. EPA I.D. NO. IND 990873499

## CONSENT AGREEMENT AND FINAL ORDER

On May 15, 1984, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is Red Spot Paint and Varnish Company, Inc., Evansville, Indiana. The Complaint alleges that the Respondent failed to fully comply with the requirements set forth at 40 CFR \$270.10, in that Respondent failed to submit, on time, a complete Part B permit application.

### STIPULATIONS

The parties to this action, being desirous to settle this action, enter into the following stipulations:

- 1. Respondent has been served with a copy of the Complaint and Notice of Opportunity for Hearing in this matter;
- The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation

and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. \$6928, and the authority duly delegated to him by the Regional Administrator;

- 3. Respondent neither admits nor denies the findings of violation as set forth in the Complaint filed in this matter;
- 4. Respondent owns and operates an industrial paint manufacturing facility located at 110 Main Street, Evansville, Indiana 47703;
- 5. Respondent has generated and stored hazardous waste at its facility subsequent to November 19, 1980;
- 6. Respondent has submitted a closure plan for the storage area of Respondent's facility, prepared in accordance with 320 Indiana Administrative Code, Article 4, to the Indiana State Board of Health.
- 7. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount of \$3,000.00.

### ORDER

Based upon the foregoing stipulations, the parties to this matter agree to the entry of the following Order:

1. Respondent shall complete closure of the storage area of Respondent's facility by December 31, 1984. Said closure shall be done in complete compliance with the closure plan, and any subsequent modifications of the closure plan prepared in accordance with 320 Indiana Administrative Code, Article 4, submitted to, and approved by the Indiana State Board of Health. Immediately upon the completion of all closure activities, Respondent shall submit proper certification of closure to the

- U.S. EPA and to the Indiana State Board of Health.
- 2. Upon the U.S. EPA receipt of certification of closure of Respondent's storage facility area, Respondent shall be deemed to be, and shall commence operating as, a generator and transporter only. As a generator, Respondent shall be in complete compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 5. As a transporter, Respondent shall be in complete compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 4.
- 3. Respondent shall pay a civil penalty in the amount of \$3,000.00 (THREE THOUSAND DOLLARS) to the Treasurer of the United States of America. Respondent shall pay the entire amount of said \$3,000 penalty within 60 (SIXTY) days of entry of this Consent Agreement and Final Order. Payments shall be in the form of a certified or cashier's check made payable to the Treasurer of the United States of America, and shall be remitted to Ms. Mary Langer, Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.
- 4. Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or any other applicable statutory authority, should the U.S. EPA find that the handling, storage, treatment, transportation or disposal of solid or hazardous waste at Respondent's facility presents an imminent and substantial endangerment to human health or the environment.

This Consent Agreement and Final Order consisting of 4 (FOUR) pages (including this signature page) is hereby consented to by both of the parties to this proceeding.

Agreed this, 1984  Red Spot Paint and Varnish Company, Inc.
By Chilo D. Storms
Title PRESIDONT
Agreed this
this day of leaves to, it is so ordered to, it is so ordered this day of leaves.
Valdas V/ Adamkus  Regional Administrator  U.S. Environmental Protection Agency  Region V

# DEC 1 0 1984

P 602 533 150

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Charles D. Storms
Registered Agent for
Red Spot Paint and Varnish Company, Inc.
110 Main Street
Evansville, Indiana 47703

Re: Consent Agreement and Final Order Red Spot Paint and Varnish Co., Inc. Docket Number V-W-84-R-039

Dear Mr. Storms:

This letter is to acknowledge receipt of the Consent Agreement and Final Order No. V-W-84-R-056 signed by you. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

ORIGINAL SIGNED BY WILLIAM H. MINER

William H. Miner, Chief Technical, Permits, and Compliance Section

Enclosure

cc: G. Doyle, ISBH

bcc: Regional H

Regional Hearing Clerk, ORC, w/enclosure
Secretary, TPCS, w/enclosure
B. Springer, w/enclosure
G. Weber, w/enclosure
HQ- WH-527, w/enclosure
ORC w/enclosure

5HW-13:jsharp:12/07/84

10H-12/4

# MEMORANDUM

SUBJECT: Red Spot Paint and Varnish Company, Inc.

Consent Agreement and Final Order

FROM: Robert B. Schaefer Basil G. Constantelos, Director

Regional Counsel Waste Management Division

TO: Valdas V. Adamkus

Regional Administrator

Attached is a Consent Agreement and Final Order signed by Red Spot Paint and Varnish Company, Inc., Respondent to a complaint filed by the U.S. EPA on May 15, 1984, pursuant to Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. \$6928.

The Consent Agreement and Final Order requires the Respondent to commence and complete closure of the Respondent's facility by December 31, 1984, in accordance with the closure plan approved by the Indiana State Board of Health, and pay a civil penalty of \$3,000.00.

It is our recommendation that you sign and issue the attached Consent Agreement and Final Order.

Attachment

Sw "layed

12/05/84

XX 189184

11/29/84

145 PH 6

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# RCRA CAFO FOR EXECUTION

DATE: 11/30/84

1. Miner
2. Klepitsch
3. ORG - CADE Signoff Received Route Directly to Constantelos
4. Constantelos AS
5. Valdas V. Adamkus
6. RETURN TO BILL MINER FOR MAIL INC.

CORRESPONDENCE FOR RA'S	^I GNATURE
DATE:	65
■ • AMBUTAS	
- CANAVAN	
· DEFEN	-
- LITTLE	
□ • LYNCH	
Lenore/Louise	-
ADAMKUSYLEVIN	* -
□ Correction Required	
Return for Mailing	

TELEPHONE (612) 428-9100 · P.O. BOX 418

ONE TEN MAIN STREET · EVANSVILLE, INDIANA 47703

TELEX 276069

September 12, 1984



U. S. A.

Red Spot Paint & Varnish Co., Inc. Research Center Box 418 Evansville, Indiana 47703

#### EUROPEAN

Red Spot European Division E. Wood Ltd. 18 London Street London, EC3R 71A

#### ENGLAND

Red Spot European Research Centre
E. Wood, Ltd., Talbot Warks
Stanstead Abbotts, Ware-Herts SG12 8DP
England

#### JAPAN

Sales & Technical Service Kyokuto Boeki Kaisha, Ltd. 7th Floor, New Otemachi Bidg. 2-1, 2-chome, Otemachi, Chiyoda-ku Tokyo 100-91, Japan

#### AUSTRALIA & NEW ZEALAND

Triton Points Limited
55 Kent Road
P. O. Box 338
Mascat 2020, N.S.W., Australia

#### TAIWAN

Sales and Technical Service Wah Lee Industrial Corp. 238, La Ho 2nd Road Kaohsiung, Taiwan

Manufacturing
Berlin Co., Ltd.
43 Ta-Yeh South Road
Hsiao Kang Area
Kaohsiung, Taiwan

## HONG KONG

Connell Bros. Co. (H.K.), Ltd.
Room 307
No. 9 Ice House St.
G. P. O. Box 88, Hong Kong

#### SINGAPORE

Connell Bros. Co., Ltd.
P. O. Box 392 Tanglin Post Office
Singapore 9, Singapore

#### CANADA

XYZ Paint Company, Ltd. 151 Savage Drive P. O. Box 969 Cambridge, Ontario N1R 5X9 U.S. Environmental Protection Agency 230 S. Dearborn Street
Chicago, IL 60604

WASTE MANAGEMENT CHICAGO, IL 60604

Attention: Richard Mednick

Mr. Mednick:

This is to confirm our phone conversation of September 11, 1984 wherein we discussed Docket No. V-W-84-R-039.

As stated in the conversation:

- 1. The written Closure Plan will be presented to the USEPA and Indiana State Board of Health during the week of September 17-21.
- 2. We are removing stored hazardous waste from our site at the rate of 160-240 drums per week to permitted disposal facilities.
- 3. On August 3, 1984 there was a site inspection by the Indiana State Board of Health pursuant to Part B Compliance, with the only deficiency being a lack of documentation of training sessions.
- 4. On August 14, 1984, there was an inspection by the Indiana State Board of Health concerning our Closure Plan. During this inspection the scope of work needed to effect closure was discussed and there was apparent agreement between Indiana State Board of Health representative and Red Spot on what is needed.

Subsequent discussions with the State indicate that the time required for approval of a Closure Plan is approximately 60 days. Obviously, we will not be able to meet the October 31, 1984 date, if this is the case; however, it is our intention to have the site prepared in accordance with the written plan by the October 31, 1984 date and to operate as a generator and a transporter after that date.

If any deficiencies are found in the written Closure Plan we will correct those immediately upon notification.

If you require any additional information, do not hesitate to contact us.

Sincerely,

F. Berkey

cc: Greg Weber, USEPA Tom Linson, ISBH

dkw

Charles D. Storms Red Spot Paint and Varnish Company, Inc. One Ten Main Street Evansville, Indiana 47703

Re: Red Spot Paint and Varnish Company, Inc. Docket No. V-W-84-R-039

Dear Mr. Storms:

This letter sets forth the present position of U.S. EPA with regard to the above-captioned matter. The issues as hereinafter stated must be addressed by Red Spot in order to achieve a settlement of this matter.

With regard to closure, U.S. EPA has yet to receive a closure plan for the hazardous waste treatment and storage areas of the Red Spot facility. As discussed at the June 18, 1984 informal conference, and as set forth in the June 22, 1984 letter from Greg Weber to Eugene Berkey, such a closure plan must be submitted to U.S. EPA at the time that the closure plan is submitted for approval to the Indiana State Board of Health.

In your letter of June 25, 1984, you indicated that assuming timely approval of a closure plan, Red Spot would complete closure of the hazardous waste treatment and storage area by October 31, 1984. U.S. EPA would be satisfied to have closure activities completed by such a date. Be advised that only upon completion of all closure activities, and certification by an independent registered professional engineer that the facility has been closed in accordance with the closure plan, will the classification of the Red Spot facility be changed to indicate that it is a transporter and generator of hazardous waste only, and no longer a treatment, storage or disposal facility.

With respect to the \$6,000.00 civil penalty set forth in the complaint of May 15, 1984, U.S. EPA is now prepared to reduce the penalty to \$5,000.00. It must be remembered that it has been over two years since the initial call-in of the Part B

permit for Red Spot. During that time period there have been numerous instances of deficient and delayed submittals of required information, causing U.S EPA to expend tremendous amounts of time and effort toward gathering the information needed in order to properly permit the facility. U.S. EPA deems a \$5,000.00 civil penalty to be fair and equitable based on the violation of environmental laws involved, the extended period of time involved, and the good faith compliance efforts of Red Spot.

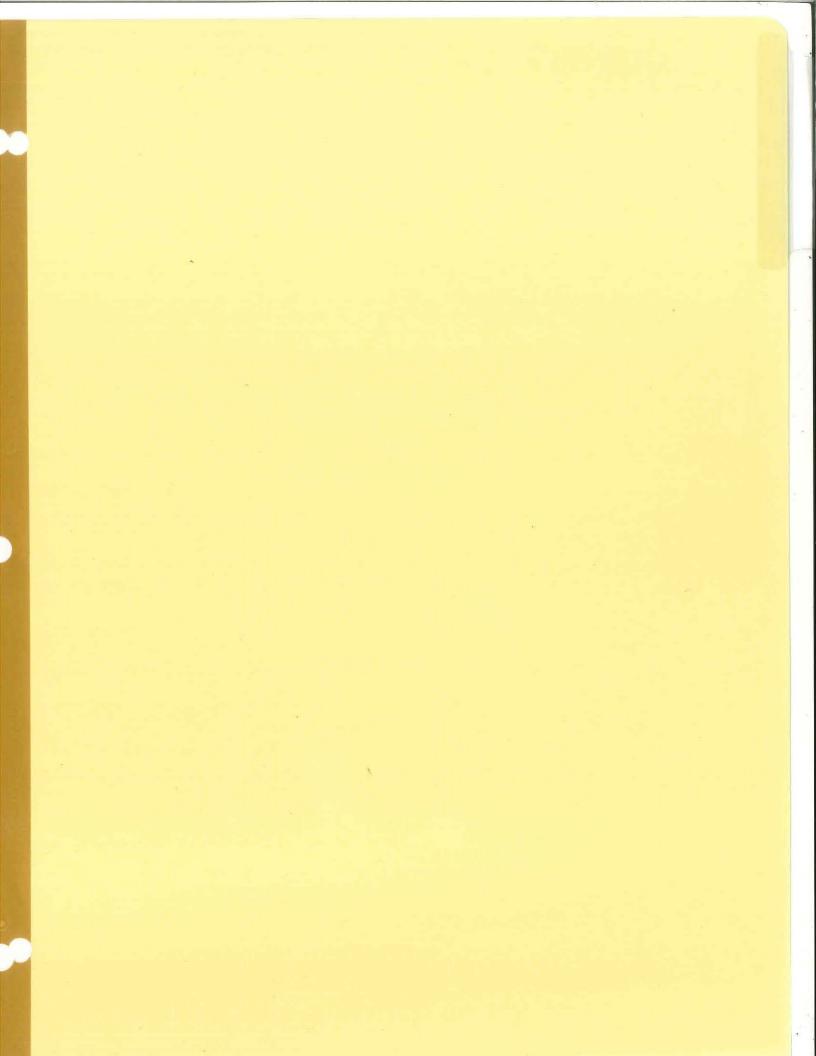
Please respond to this letter by contacting me at 312/886-6741 on or before September 14, 1984. Your continued cooperation in this matter is appreciated.

Sincerely,

Richard Mednick Assistant Regional Counsel

bcc: Greg Weber

Conte Parally Contents with 9 De een reasons unduded 2000 Et Etalous 



Mr. Eugene Berkey Red Spot Paint and Varnish Company, Inc. 110 Hain Street P.O. Box 418 Evansville, Indiana 47703

Re: Red Spot Paint and Varnish Company, Inc. Docket No. V-W-84-R-039

Dear Mr. Berkey:

Enclosed is the Consent Agreement and Final Order incorporating the final settlement terms which we have agreed upon for the above-referenced matter.

Please have the enclosed Consent Agreement and Final signed by Mr. Storms, or any other appropriate Red Spot official, and return the signed document to me by November 16, 1984.

Thank-you for all your cooperation and efforts in this matter.

Sincerely,

Richard Mednick Assistant Regional Counsel



# UNITED STATES ENVIRONEMNTAL PROTECTION AGENCY REGION V

In the matter of:	)			
	)			
RED SPOT PAINT AND VARNISH COMPANY,	INC. )	Docket	No.	V-W-84-R-039
P.O. BOX 418	)			
EVANSVILLE, INDIANA 47703	)			
U.S. EPA I.D. NO. IND 990873499	)			

## CONSENT AGREEMENT AND FINAL ORDER

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# STIPULATIONS

The parties to this action, being desirous to settle this action, enter into the following stipulations:

- 1. Respondent has been served with a copy of the Complaint and Notice of Opportunity for Hearing in this matter;
- 2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation

and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. \$6928, and the authority duly delegated to him by the Regional Administrator;

- 3. Respondent neither admits nor denies the findings of violation as set forth in the Complaint filed in this matter;
- 4. Respondent owns and operates an industrial paint manufacturing facility located at 110 Main Street, Evansville, Indiana 47703;
- 5. Respondent has generated and stored hazardous waste at its facility subsequent to November 19, 1980;
- 6. Respondent has submitted a closure plan for the storage area of Respondent's facility, prepared in accordance with 320 Indiana Administrative Code, Article 4, to the Indiana State Board of Health.
- 7. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount of \$3,000.00.

### ORDER

Based upon the foregoing stipulations, the parties to this matter agree to the entry of the following Order:

1. Respondent shall complete closure of the storage area of Respondent's facility by December 31, 1984. Said closure shall be done in complete compliance with the closure plan, and any subsequent modifications of the closure plan prepared in accordance with 320 Indiana Administrative Code, Article 4, submitted to, and approved by the Indiana State Board of Health. Immediately upon the completion of all closure activities, Respondent shall submit proper certification of closure to the

- U.S. EPA and to the Indiana State Board of Health.
- 2. Upon the U.S. EPA receipt of certification of closure of Respondent's storage facility area, Respondent shall be deemed to be, and shall commence operating as, a generator and transporter only. As a generator, Respondent shall be in complete compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 5. As a transporter, Respondent shall be in complete compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 4.
- 3. Respondent shall pay a civil penalty in the amount of \$3,000.00 (THREE THOUSAND DOLLARS) to the Treasurer of the United States of America. Respondent shall pay the entire amount of said \$3,000 penalty within 60 (SIXTY) days of entry of this Consent Agreement and Final Order. Payments shall be in the form of a certified or cashier's check made payable to the Treasurer of the United States of America, and shall be remitted to Ms. Mary Langer, Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.
- 4. Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. \$6973, or any other applicable statutory authority, should the U.S. EPA find that the handling, storage, treatment, transportation or disposal of solid or hazardous waste at Respondent's facility presents an imminent and substantial endangerment to human health or the environment.

This Consent Agreement	and Final Order consisting	g of
4 (FOUR) pages (including th	is signature page) is her	eby
consented to by both of the	parties to this proceeding	g.
•		
Agreed this	day of	, 1984
Red Spot Paint and Varnish C	Company, Inc.	
D.		
Ву		
Title		
Agreed this	day of	, 1984
<b>,</b>		
By Basil G. Constantelos, Di	<del>Maria Laura</del>	
Waste Management Division	1	
U.S. Environmental Protect Region V, Complainant	ction Agency	
The above being agreed	and consented to, it is s	o ordered
this day	of	, 1984

Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

SEP 2 1 1984

REPLY TO ATTENTION OF:

Eugene Berkey Red Spot Paint & Varnish Company, Inc. 110 Main Street, P.O. Box 418 Evansville, Indiana 47703

Re: Red Spot Paint & Varnish Company, Inc. Docket No. V-W-84-R-039

Dear Mr. Berkey:

I am in receipt of your letter of September 12, 1984, concerning the closure plan for the Red Spot Facility. In light of the progress that has now been made in this matter, I believe the time is ripe to come to a formalized settlement. After not hearing from you subsequent to our phone conversation of September 13, 1984, I have taken the opportunity of drafting the enclosed "Consent Agreement and Final Order".

After reviewing the settlement terms contained in the enclosed Order, contact me at 312/886-6741 to see whether we can conclude this matter by reaching a final formalized agreement.

Sincerely,

Richard Mednick

Assistant Regional Counsel

Enclosure



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:	)		
Red Spot Paint and Varnish Company,	Inc.	Docket N	o. V-W-84-R-039
P.O. Box 418	)		
Evansville, Indiana 47703	)		
U.S. EPA I.D. No. IND 990873499	)		

## CONSENT AGREEMENT AND FINAL ORDER

On May 15, 1984, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties in the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is Red Spot Paint and Varnish Company, Inc.

### STIPULATIONS

The parties to this action, being desirous to settle this matter, enter into the following stipulations:

- 1. Respondent has been served with a copy of the Complaint and Notice of Opportunity for Hearing in this matter;
- 2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. §6928;
- 3. Respondent neither admits nor denies the findings of violation as set forth in the Complaint filed in this matter;

- 4. Respondent owns and operates an industrial paint manufacturing facility located at 110 Main Street, Evansville, Indiana 47703;
- 5. Respondent has generated and stored hazardous waste at its facility subsequent to November 19, 1980;
- 6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.

## ORDER

Based upon the foregoing stipulations, the parties to this matter agree to the entry of the following Order:

- 1. Respondent shall, within 30 days of entry of this

  Consent Agreement and Final Order, submit a closure plan to U.S.

  EPA and to the Indiana State Board of Health, prepared in accordance with 320 Indiana Administrative Code, Article 4, for closure of the storage area of Respondent's facility. Immediately upon approval of the closure plan by the Indiana State Board of Health, Respondent shall implement and complete closure activities in accordance with the schedule contained in the approved plan.

  Immediately upon completion of all closure activities, Respondent shall submit proper certification of closure to U.S. EPA and to the Indiana State Board of Health.
- 2. Upon receipt by U.S. EPA of certification of closure of Respondent's storage facility area, Respondent shall be deemed to be and shall commence operating as a generator and transporter only. As a generator, Respondent shall be in complete

compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 5. As a transporter, Respondent shall be in complete compliance with all requirements for generators set forth at 320 Indiana Administrative Code, Article 4, Rule 4.

3. Respondent shall pay a civil penalty in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS) to the Treasurer of the United States of America. Respondent shall pay the entire amount of said \$5,000 penalty within 60 (SIXTY) days of entry of this Consent Agreement and Final Order. Payments shall be in the form of a certified or cashier's check made payable to the Treasurer of the United States of America, and shall be remitted to Ms. Mary Langer, Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA (42 U.S.C. §6973) or any other applicable statutory authority, should U.S. EPA find that the handling, storage, treatment, transportation or disposal of solid or hazardous waste at Respondent's facility presents an imminent and substantial endangerment to human health or the environment.



This Consent Agreement and Final O	rder consist	ting of 4 pages
is hereby consented to by both of	the parties	to this proceeding.
Agreed this day of		_, 1984
Red Spot Paint and Varnish Company	, Inc.	
Ву		
Title		
Ву		
Title		
Agreed this day or	E	, 1984
Basil G. Constantelos, Director Waste Management Division		
U.S. Environmental Protection Agend Region V, Complainant	ЭУ	
The above being agreed and consente	ed to, it is	s so ordered this
day of	i	, 1984

Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V Charles D. Stroms, President Ped Spot Paint and Varnish Co., Inc. P.O. Box 418 Evansville, Indiana 47703

> Re: Incomplete Part P Application Red Spot Paint and Varnish Co., Inc. IND 990873499

Dear Mr. Stroms:

This is to acknowledge that the completeness review has been completed of your Part R permit application subsequent submission from October 4, 1983. Rased on the review results, we concur with the Indiana State Board of Health that the application is still not complete. Enclosed is a copy of the missing information. This information must be submitted before the application may be considered to be complete and is due by January 31, 1984. Contact Mr. Greg Weber of my staff, at (312) 886-0991, if you have any questions regarding this matter.

Sincerely,

William H. Miner, Chief Technical, Permits, and Compliance Section

Enclosure

cc: Guine Doyle, ISBH

bcc: Part B Docket

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# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW

DEC 27 1983

Charles D. Stroms, President Red Spot Paint and Varnish Co., Inc. P.O. Box 418 Evansville, Indiana 47703

> Re: Incomplete Part B Application Red Spot Paint and Varnish Co., Inc. IND 990873499

Dear Mr. Stroms:

This is to acknowledge that the completeness review has been completed of your Part B permit application subsequent submission from October 4, 1983. Based on the review results, we concur with the Indiana State Board of Health that the application is still not complete. Enclosed is a copy of the missing information. This information must be submitted before the application may be considered to be complete and is due by January 31, 1984. Contact Mr. Greg Weber of my staff, at (312) 886-0991, if you have any questions regarding this matter.

Sincerely,

William H. Miner, Chief

Technical, Permits, and Compliance Section

Enclosure

cc: Guinn Doyle, ISBH

(073-14)

# Part B Missing Items For Submission of October 4, 1983 Red Spot Paint and Varnish IND 990873499

- 1. The Part A indicated the facility has a landfill. Submit the specific Part B information requirements for landfills listed in 40 CFR Part 270.21.
- 2. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- 3. Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- 4. Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b) (1)(i)(B) and 264.175(b)(2)).
- 5. Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- 6. Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(D), 264.175(b)(4)).
- 7. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(1)(i)(E), 264.175(b)(5)).
- 8. Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 9. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, data gathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 10. A copy of the inspection log (40 CFR 264.15(d)).
- 11. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 12. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- 13. Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 14. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).
- 15. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv).

(0.73-1A) 013-15

- 16. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 17. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- 18. For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 19. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(vi), 264.198).
- 20. A description of emergency equipment, including location and capabilities (40 CFR 264.52(e)).
- 21. A description of provisions for submittal of required reports (40 CFR 264.56(j)).
- 22. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 23. Training director's qualifications (40 CFR 264.16(a)(2)).
- 24. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 25. Training for emergency response (40 CFR 264.16(a)(3)).
- 26. Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 27. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 28. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b)).
- 29. A dated copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles D. Stroms, President Red Spot Paint and Varnish Co., Inc. Post Office Box 418 Evansyille, Indiana 47703

> RE: Tentative Decision to Deny A RCRA Permit Red-Spot Paint and Varnish Co., Inc. IND 990873499

Dear Mr. Stroms:

I have made the tentative decision to deny the permit for storage of hazardous waste to the above referenced facility. The basis for this decision is deficiencies of the application and the failure of the applicant to correct these deficiencies.

A Public Notice is tentatively scheduled to be issued on March 30, 84. If you believe that the tentative decision to deny this permit inappropriate, it is your responsibility to raise all ascertainable sues and submit all available arguments and factual grounds supporting your position by the end of the public comment period. Enclosed for your information is a copy of the Notice of Intent to Deny a Permit and the Fact Sheet prepared for this decision.

Please contact me if you have any questions regarding this decision.

Basil C. Constantelos, Director Waste Management Division

Enclosure

co: Guinn Doyle, ISBH

#### FACT. SHEET

#### Intent To Deny A Permit Under RCRA

Activity To Be Permited :

Container storage of hazardous waste

Facility Name

Red Spot Paint and Varnish Co., Inc.

U.S. EPA I.D. Number

IND 990873499

Location

996-1016 E. Columbia Street

Evansville, Indiana

Facility Owner

Charles D. Stroms

Facility Operator

Charles D. Stroms

Comment Period

March 30, 1984 to May 15, 1984

All persons, including the applicant, who believe that the tentative decision to deny this permit is inappropriate, must raise all ascertainable issues and submit all available arguments and factual grounds supporting their position by May 15, 1984. Two copies of such comments should be sent to the U.S. EPA, 1984. The 230 South Dearborn Street, Chicago, Illinois 60604.

#### Procedures For Requesting A Hearing

A public hearing will be held if U.S. EPA receives written notice of opposition to the proposed permit decision and a request for a hearing by May 15, 1984. Any request for a hearing shall be in writting and state the nature of the issues proposed to be raised in the hearing. Requests for a hearing should be submitted to the U.S. EPA, 5-HW, 230 South Dearborn Street, Chicago, Illinois 60604.

#### Closure Of The Facility

The facility is currently operating under interim status. If this tentative decision to deny the permit becomes the final administrative disposition of the permit application, interim status will terminate (40 CFR §270.739(a)) and the administrative procedures for closure of the facility will begin immediately.

Review and approval of the closure plan will include a public notice which provides the public with an opportunity to submit written comments on the plan, request modifications of the plan, or request a public hearing to clarify one or more issues concerning the closure plan.

Within 90 days after approval of the closure plan, the owner or operator must treat or remove from the site, all hazardous wastes in accordance with the approved closure plan.

Review and approval of the facility's closure plan will be handled by the Indiana State Board of Health in coordination with the U.S. EPA.

# Reasons Supporting Decision to Deny Permit Application

On May 28, 1982, U.S. EPA formally requested Red Spot to submit Part B of the RCRA permit application for its Evansville, Indiana facility. U.S. EPA regulations (40 CFR §270.10(e)(4) state that any facility shall be allowed at least months from the date of request to submit Part B of the application.

5. EPA established a due date of November 30, 1982, and the application arrived on December 2, 1982

U.S. EPA reviewed the submittal for completeness. On February 11, 1983, the applicant was notified that the submittal was incomplete and was provided with a list of information necessary to make the application complete. The submission was due on March 13, 1983. The applicant requested an extension of the due date and was given until April 14, 1983. On April 14, 1983, the applicant requested another extension and the due date was extrended to June 1, 1983. The applicant could not meet that due date and a final due date was extended to July 29, 1983. The submission did not arrive and on August 24, 1983, U.S. EPA sent another formal request to the applicant for the submission with a due date of September 30. 1983. The submission finally arrived on October 4, 1983.

The second submittal was reviewed by U.S. EPA and on December 27, 1983, the applicant was notified that the submittal was incomplete and was provided with a list of information necessary to make the application complete. The additional information was due January 31, 1984.

This information has not been received. U.S. EPA believes that Red Spot has had adequate time (2 years) to submit a complete application and failure to do so, is a basis for denial of the permit application under 40 CFR  $\S124.3(d)$ .

#### Regulatory Deficiencies

of following is the list of deficiencies that Red Spot failed to respond to and is the basis for application denial.

#### Part B Missing Items For Submission of October 4, 1983 Red Spot Paint and Varnish IND 990873499

- The Part A indicated the facility has a landfill. Submit the specific Part B information requirements for landfills listed in 40 CFR Part 270.21.
- 2. Description of frequency of analysis (40 CFR 264.13(b)(4)).
- Demonstration of structural integrity of base underlying containers, and ability of bases to contain spills, leaks, and accumulated precipitation (40 CFR 264.175(b)(1)).
- Description of how containment system design promotes drainage or how containers are kept from contact with free standing liquids (40 CFR 122.25(b)(1)(i)(B) and 264.175(b)(2)).
- Description of containment system capacity relative to the number and volume of containers to be stored (40 CFR 122.25(b)(1)(i)(C), 264.175(b)(3)).
- Description of containment system provisions for preventing or managing run-on (40 CFR 122.25(b)(1)(i)(0), 264.175(b)(4)).
- 7. Description of procedures for detecting and removing accumulated liquids from containment systems in a timely manner (40 CFR 122.25(b)(l)(i)(E), 264.175(b)(5)).
- Description of procedures and schedule for specific requirements for containers, including weekly inspections of containers, container storage areas, and containment system(s) (40 CFR 264.174).
- 9. Description of procedures and schedule for specific requirements for tanks, including daily inspections of overfilling control equipment, datagathered from monitoring equipment, and level of waste in uncovered tanks; weekly inspections of above ground portions of tanks, and area immediately surrounding the tanks; and regular inspections as needed to detect cracks, leaks, corrosion, erosion, or wall thinning in tank (40 CFR 264.194(a) and (b)).
- 10. A copy of the inspection log (40 CFR 264.15(d)).
- 11. Request for waiver of the aisle space requirement (40 CFR 264.35).
- 12. Prevention of hazards in unloading operations (40 CFR 122.25(a)(8)(i)).
- Prevent runoff from hazardous waste handling areas (40 CFR 122.25(a)(8)(ii)).
- 14. Prevent contamination of water supplies (40 CFR 122.25(a)(8)(iii)).

- 15. Mitigate the effects of equipment failure and power outages (40 CFR 122.25(a)(8)(iv).
- 16. Prevent undue exposure of personnel to hazardous waste (40 CFR 122.25(a)(8)(v)).
- 17. Demonstration of the general precautions for handling ignitable or reactive wastes or mixing incompatible wastes (40 CFR 122.25(a)(9), 264.17(b) and (c)).
- 18. For containers, a detailed description of the facility operating procedures which demonstrate compliance with ignitable or reactive waste requirements and compliance with buffer zone/location/container separation requirements for ignitable or reactive wastes (40 CFR 122.25(b)(1)(iii), 264.176).
- 19. For tanks, a description of operational procedures for handling the storage of ignitable or reactive wastes, including the use of buffer zones (40 CFR 122.25(b)(2)(iv), 264.198).
- 20. A description of emergency equipment, including location and capabilities  $(40\ \text{CFR}\ 264.52(e))$ .
- 21. A description of provisions of submittal of required reports (40 CFR 264.56(j)).
- 22. Content, frequency, and technique used in both introductory and continuing training for each employee (40 CFR 264.16(c) and (d)(3)).
- 23. Training director's qualifications (40 CFR 264.16(a)(2)).
- 24. Relevance of training to job position (40 CFR 264.16(a)(2)).
- 25. Training for emergency response (40 CFR 264.16(a)(3)).
- 26. Provision for implementing the training program (40 CFR 264.16(b) and (d)(4)).
- 27. Closure performance standards: a description of how closure minimizes the need for further maintenance and controls and minimizes the release of waste to the environment (40 CFR 264.111).
- 28. In the event that a longer period of closure is needed, provide a request which justifies an extension of closure time (40 CFR 264.113(a) and (b).
- 29. A dated copy of the closure cost estimate (40 CFR 122.25(a)(15) and 264.142).